

Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

12.04 Street and Building Numbers

12.08 Street, Sidewalk and Driveway Construction and Maintenance

12.12 Excavations

12.16 Street and Sidewalk Use Regulations

12.20 Street Trees and Shrubs

12.24 City Property Regulations

12.28 Park Use Regulations

12.32 Historic Districts

12.36 Transit District

12.40 Wharves and Vessels

12.50 Public Pay Telephones

12.60 Streetlight Installations

Chapter 12.04

STREET AND BUILDING NUMBERS

Sections:

12.04.010 Preparation of maps.

12.04.020 Manner of numbering property along streets.

12.04.030 Addition of new streets to maps.

12.04.040 City engineer to furnish number of building.

12.04.050 Requirements in numbering of buildings.

12.04.060 Orders as to numbering of buildings.

12.04.070 Numbering of new buildings.

12.04.080 Numbering of building on new streets.

12.04.090 Violations Penalty.

12.04.010 Preparation of maps.

The city engineer shall make maps showing the lines of all streets of the city. Such street lines, including intersecting streets, shall be marked in sections of ten feet, and one number shall be assigned by the engineer to each of such sections. Such numbers shall be in consecutive order in accordance with the following sections. The city engineer shall notify the common council in writing whenever a map has been completed for numbering a street.

(Prior code § 27-109)

12.04.020 Manner of numbering property along streets.

Numbers shall be placed on the maps provided for in Section 12.04.010 as follows: on all streets running in a northerly and southerly direction, the numbers shall begin at the southerly ends thereof; on all streets running in an easterly and westerly direction on the west side of Bridgeport harbor and the Pequonnock River, the numbers shall begin at the easterly ends thereof, except as is otherwise provided in this chapter; on all streets running in an easterly and westerly direction on the east side of Bridgeport harbor and the Pequonnock River, the numbers shall begin at the westerly ends thereof, except as is otherwise provided in this chapter; the numbers on Stratford Avenue and East Washington Avenue shall begin at the westerly ends of such avenues; from the ends of streets at which numbers begin, the odd numbers only shall be on the left-hand side, and the even numbers only shall be on the right-hand side.

(Prior code § 27-110)

12.04.030 Addition of new streets to maps.

When any new street is accepted by the city, the city engineer shall cause the lines of the new street to be properly added to the maps provided for in Section 12.04.010; and the city engineer shall keep such maps corrected for any change of lines of any street.

(Prior code § 27-111)

12.04.040 City engineer to furnish number of building.

The city engineer shall at any time during usual business hours furnish to the owner of any building the correct number of such building in accordance with the map of the street on which the building is located. When an application is made for the designation of such number, the owner or applicant shall state the correct distance of the entrance of such building from the nearest or most convenient corner of an intersecting street.

(Prior code § 27-112)

12.04.050 Requirements in numbering of buildings.

Entrances of all buildings shall be given the numbers of the sections in which such entrances stand according to the city engineer's maps, and such numbers shall be attached to such buildings in a conspicuous place near such entrances. All figures used in numbering buildings in accordance with this chapter shall be not less than three inches in height and of a conspicuous color.

(Prior code § 27-113)

12.04.060 Orders as to numbering of buildings.

Whenever the common council shall order the owners of any buildings on any street to number or renumber such buildings, notice of such order shall be published twice in two or more newspapers published daily in the city. The owners of such buildings shall number or renumber such buildings in accordance with the aforesaid maps in the office of the city engineer within thirty (30) days after publication of such order. If any owner of any building, who has been ordered to number or renumber his building in the manner heretofore provided in this section, shall neglect to obey such order, the city clerk shall cause a copy of such order to be served upon such owner, or, if he is a nonresident, then upon his agent in charge of such building; and if such owner of any building, or such agent as aforesaid, refuses or neglects for a period of fifteen (15) days thereafter to obey such order, he shall be punished as provided in Chapter 1.12 of this code.

(Prior code § 27-114)

12.04.070 Numbering of new buildings.

Whenever any person shall cause a building to be erected on land abutting any street where buildings facing such street have been numbered in accordance with this chapter, such person shall apply to the city engineer for the number of such building and shall cause such number so obtained to be attached to

the building as is provided in this chapter within thirty (30) days after its completion.

(Prior code § 27-115)

12.04.080 Numbering of building on new streets.

When any new street is accepted by the city, the owners of buildings which may exist at that time on that street, or which may be erected thereafter on that street, shall number such buildings as is provided in this chapter.

(Prior code § 27-116)

12.04.090 Violations Penalty.

Any owner of any building or part of any building who shall neglect or refuse to number or renumber his building in accordance with any section of this chapter, or who shall place or maintain any wrong number on his building within the meaning of this chapter, or any person who shall maliciously remove, destroy, deface or in any way injure any properly established building number, or who shall violate any provision of this chapter shall be punished as provided in Chapter 1.12 of this code.

(Prior code § 27-117)

Chapter 12.08

STREET, SIDEWALK AND DRIVEWAY CONSTRUCTION AND MAINTENANCE

Sections:

Article I. Curfew for Minors

12.08.010 Width of streets.

12.08.020 Establishment of building lines on new streets.

12.08.030 Restrictions as to driveways.

12.08.040 Restrictions as to curb corners.

12.08.050 Powers of common council as to street paving.

12.08.060 Duties and powers of committee on highways.

12.08.070 Permit to extend width of driveway approaches.

12.08.080 Sidewalk permit fee.

Article II. Sidewalk, Curb, Gutter and Driveway Construction and Repair

12.08.090 Contractor's license required.

12.08.100 Applicant for contractor's license required to file bond.

12.08.110 Qualifications of applicants for contractor's license.

12.08.120 Contractor's license fee.

12.08.130 Revocation of contractor's license.

12.08.140 Term of contractor's license Transferability.

12.08.150 Contractor's permit required.

12.08.160 Application for contractor's permit.

12.08.170 Contractor's permit to be on premises Display required.

12.08.180 Term of contractor's permit.

Article III. Curb, Gutter and Walk Construction Permit

12.08.190 Required.

12.08.200 Contents Form.

12.08.210 To be on premises during work Display.

12.08.220 City engineer to furnish lines and grades prior to work under permit.

12.08.230 Supervisory power of director of public facilities over work performed under permit.

12.08.240 Supplementary rules for work performed under permit.

12.08.250 Term.

Article I. In General

12.08.010 Width of streets.

No street shall hereafter be laid out, and no permission given to lay out any such street, and no street shall hereafter be accepted by the common council unless such street shall be at least fifty (50) feet in width.

(Prior code § 27-27)

12.08.020 Establishment of building lines on new streets.

When the committee on highways shall recommend to the common council that a public hearing be held relative to the layout of any street or the acceptance of any street as a public street, it may submit to the common council a recommendation that a building line be established on said street. If the committee on highways shall so recommend, a public hearing shall be had upon its recommendation relative thereto contemporaneously with the hearing to be had on the layout of such street or the acceptance of the same as a public street.

(Prior code § 27-28)

12.08.030 Restrictions as to driveways.

Except as otherwise provided in this code, driveway approaches shall be limited to a width of twenty (20) feet at the sidewalk with an allowable two-foot flare on each side at the curb, making the maximum width at the curb twenty-four (24) feet. No driveway approaches for the same property shall be closer together than twenty-five (25) feet.

(Prior code § 27-51)

12.08.040 Restrictions as to curb corners.

All curb corners shall be maintained as safety zones for pedestrians. A curb corner shall constitute the area lying within lines drawn from the point of intersection of any two street lines forty-five (45) degrees to a line, produced, bisecting the included angle of such intersecting street lines, except where such included angle is less than ninety (90) degrees, in which case the curb corner shall constitute the area lying within lines drawn from such point of intersection ninety (90) degrees, to the respective street lines. There shall be no lowering of the curb within the bounds of any curb corner.

(Prior code § 27-52)

12.08.050 Powers of common council as to street paving.

The duties formerly performed by the paving and sewer commission with reference to street paving are vested in the common council, and it shall have sole power to designate the streets on which pavement shall be laid, and the kind and quality of pavement.

(Prior code § 27-53)

12.08.060 Duties and powers of committee on highways.

All matters pertaining to pavement shall be referred by the common council to the committee on highways for investigation and report. Such committee shall be empowered to order the city engineer to prepare all plans, specifications, maps, profiles and data required for the proper construction and execution of such work; and such engineer shall perform promptly all work so required. Such committee shall further be empowered to demand and receive such information as may be desired by it relative to the progress and costs of construction, the payments made on account thereof or on account of any contracts under which the same may be laid and such other data as it may deem necessary relative to the laying of such pavements or to the contracts therefor.

(Prior code § 27-54)

12.08.070 Permit to extend width of driveway approaches.

Any person desiring a permit for a driveway approach having a greater width than twenty (20) feet at the sidewalk, or any person desiring to establish two driveway approaches for the same property which shall be closer together than twenty-five (25) feet, shall submit to the director of public facilities a written application containing a definite plan showing the location and owner of the property, the length and location of said driveway approach or approaches, proposed grades, type of construction, etc., and the purpose for which said property is to be used. The director of public facilities shall submit such plan with his recommendations and those of the city engineer to the common council, which shall consider the same and shall order the issuance or refusal of such permit.

(Ord. dated 12/21/92 § 75(f); prior code § 27-97)

12.08.080 Sidewalk permit fee.

There is established a fee of fifty dollars (\$50.00) for the issuance of a sidewalk permit from the public facilities office.

(Ord. dated 12/21/92 § 75(f); Ord. dated 2/19/91 (part): prior code § 27-92.1)

(Ord. dated 11/3/08; Ord. dated 2/2/09)

Article II.

Sidewalk, Curb, Gutter and Driveway Construction and Repair

12.08.090 Contractor's license required.

No person shall as contractor engage in the work of constructing, relaying or repairing sidewalks, curbs, combined curbs and gutters, or driveways or driveway approaches, upon the public streets, highways, alleys or sidewalks of the city, unless licensed therefor by the director of public facilities. The provisions of this section, however, shall not prevent the making, without license, of minor repairs to an existing sidewalk, curb, combined curb and gutter, or driveway or driveway approach, by the owner of the property on or in front of which such sidewalk, curb, gutter, driveway or driveway approach is located or by such owner's agent.

(Ord. dated 12/21/92 § 75(f); prior code § 27-76)

12.08.100 Applicant for contractor's license required to file bond.

Every applicant for the license required by Section 12.08.090 shall file with the director of public facilities a good and sufficient surety bond, acceptable to the director, in the sum of ten thousand dollars (\$10,000.00), conditioned substantially as follows: that the applicant shall indemnify and save harmless the director of public facilities and the city, its officers, agents and employees, from all claims, suits, liability and actions for or on account of any injury or damage received or sustained by any person by reason of or in consequence of or resulting from any such work performed by the applicant, his servants or agents, or of or from any negligence or omission in safeguarding such work, or of or from any act or omission of said applicant, his servants or agents; that the applicant shall faithfully and in good workmanlike manner perform such work in all respects and comply with the charter and ordinances of the city, with the statutes of the state and with the rules and regulations established by the director of public facilities relative to such work, and with the terms of the permits which may be issued to such licensee.

(Ord. dated 12/21/92 § 75(f); Ord. dated 2/19/91 (part): prior code § 27-77)

12.08.110 Qualifications of applicants for contractor's license.

The director of public facilities may license as a walk and curb contractor any person believed by him to be suitable, competent and responsible in and for the performance of such work and who shall comply with the charter and ordinances of the city, the conditions governing such licenses and any rules or regulations established by the director of public facilities for the safe, adequate and workmanlike

performance of such work.

(Ord. dated 12/21/92 § 75(f); prior code § 27-78)

12.08.120 Contractor's license fee.

The annual license fee for the license required by Section 12.08.090 shall be one hundred dollars (\$100.00).

(Ord. dated 2/19/91 (part): prior code § 27-79)

(Ord. dated 11/3/08)

12.08.130 Revocation of contractor's license.

The director of public facilities shall revoke the license required by Section 12.08.090 for incompetency, for performing negligent or unsafe work, or for any failure, refusal or neglect on the part of the licensee, his agents or servants, to strictly comply with the provisions of any section of the ordinances and charter of the city, or of the statutes of the state or any rules, regulations or specifications established by the director of public facilities relating to the construction, relaying or repairing of sidewalks, curbs, combined curbs and gutters, or driveways or driveway approaches.

(Ord. dated 12/21/92 § 75(f); prior code § 27-80)

12.08.140 Term of contractor's license Transferability.

All licenses required by Section 12.08.090 shall expire on March 31st of each year next following their date of issuance, unless sooner revoked, and shall not be transferable.

(Prior code § 27-81)

12.08.150 Contractor's permit required.

No licensee under Sections 12.08.090 through 12.08.140 shall commence the construction, relaying or resetting of any sidewalk, curb, combined curb and gutter or driveway or driveway approach, upon any street, highway, public alley or sidewalk of the city unless and until he shall have applied for and received from the director of public facilities on forms provided by the director, a permit for doing such work.

(Ord. dated 12/21/92 § 75(f); prior code § 27-82)

12.08.160 Application for contractor's permit.

The application for the permit required by Section 12.08.150 shall specify the ownership and exact location of the property where the work is to be done, the nature, dimensions and time of such work, and shall stipulate that such work will be done in accordance with the charter and ordinances of the city, the statutes of the state and the rules and regulations established by the director of public facilities relating to such work, and to the satisfaction of the director, and that the licensee will indemnify and save harmless the director of public facilities, the city and its officers, employees and agents, from all damages, loss, liability, actions or costs caused or created by his acts, omissions or negligence while acting under the permit applied for, and relating to or connected with such work.

(Ord. dated 12/21/92 § 75(f); prior code § 27-83)

12.08.170 Contractor's permit to be on premises Display required.

All permits required by Section 12.08.150 must be on the job during the continuance of the work and must be displayed to all authorized persons, when required.

(Prior code § 27-84)

12.08.180 Term of contractor's permit.

All permits required by Section 12.08.150 shall expire thirty (30) days after the date of issuance, unless sooner revoked.

(Prior code § 27-85)

Article III. Curb, Gutter and Walk Construction Permit

12.08.190 Required.

No person shall construct in any street any new curb or walk, combined curb and gutter, or driveway approach without first obtaining from the director of public facilities a permit in writing to do so. The provisions of this section shall not prevent the making, without such permit, of minor repairs to any existing curb or walk, driveway, or combined curb and gutter, by the owner of the property in front of which the same is located or by the agent of such owner.

(Ord. dated 12/21/92 § 75(f); prior code § 27-86)

12.08.200 Contents Form.

Permits required by Section 12.08.190 shall be upon blank forms furnished by the director of public facilities and shall specify the ownership and location of the property where the work is to be done and the nature and dimensions of such work.

(Ord. dated 12/21/92 § 75(f); prior code § 27-87)

12.08.210 To be on premises during work Display.

All permits required by Section 12.08.190 must be on the job during the continuance of the work and must be shown to all authorized persons, when required.

(Prior code § 27-88)

12.08.220 City engineer to furnish lines and grades prior to work under permit.

Before commencing work under the permit required by Section 12.08.190, the permittee shall exhibit such permit to the city engineer, who shall furnish the permittee with appropriate line and grade stakes for the work contemplated thereunder. No work shall be done under such permit until such lines and grades shall have been so furnished.

(Prior code § 27-89)

12.08.230 Supervisory power of director of public facilities over work performed under permit.

All work performed under the permit required by Section 12.08.190 shall be subject to the supervision and inspection of the director of public facilities or his authorized agent, who shall have full power to halt all work being done in violation thereof and to require all work to be completed in conformance therewith. In the event of the neglect or refusal of the permittee or his agent to conform to such requirements, the director of public facilities shall have the power to revoke such permit and to complete such work at the expense of the permittee. Such supervision and inspection shall not relieve the contractor from any obligation to perform the work strictly in accordance with the provisions of this chapter, and with such rules, regulations and specifications as may be adopted hereunder, or from full responsibility for the proper performance and quality of such construction.

(Ord. dated 12/21/92 § 75(f); prior code § 27-90)

12.08.240 Supplementary rules for work performed under permit.

The director of public facilities and the city engineer shall jointly adopt from time to time such rules, regulations and specifications for the conduct of the work to be performed under the permit required by Section 12.08.190 as they may deem necessary. Such specifications shall incorporate approved standards

and practices regarding dimensions and quality of curbs, walks, driveway approaches, and combined curbs and gutters, and shall state the proportions and quality of materials to be used in various types of construction. Except where otherwise ordered by the common council, the rear line of all walks shall correspond and be coextensive with the outer line of the highway along which such walks are constructed.

(Ord. dated 12/21/92 § 75(f); prior code § 27-91)

12.08.250 Term.

All permits required by Section 12.08.190 shall expire ninety (90) days after the date of issuance, unless sooner revoked.

(Prior code § 27-92)

Chapter 12.12 EXCAVATIONS

Sections:

Article I. In General

12.12.010 Excavations restricted generally.

12.12.020 Notice of intention to lay pavement.

12.12.030 Notice by utility companies prior to making excavations.

12.12.040 Restoration after excavation.

12.12.050 Opening or excavation safeguards.

12.12.060 Exemptions from certain sections of title.

12.12.070 Notice and protection of obstructions and excavations.

12.12.080 Preservation of public safety.

Article II. Permits

12.12.090 Excavation permits generally.

12.12.100 Excavation permit for street openings where pavement is laid Required.

12.12.110 Excavation permit for street openings where pavement is laid Fee.

12.12.120 Public utility excavations License required.

12.12.130 Public utility excavations Qualifications of license applicant.

12.12.140 Public utility excavations License applicant to file bond or indemnity agreement.

12.12.150 Public utility excavations License fee.

12.12.160 Public utility excavations Revocation of license.

12.12.170 Public utility excavations License term Transferability.

12.12.180 Public utility excavations Permit required.

12.12.190 Public utility excavations Permit application.

12.12.200 Public utility excavations Permit fee.

12.12.210 Public utility excavations Permit to be on premises Display required.

12.12.220 Public utility excavations Revocation of permit.

12.12.230 Public utility excavations Permit term.

Article III. Excavations One Hundred Feet or More

12.12.240 Street excavations of one hundred feet or more.

Article I. In General

12.12.010 Excavations restricted generally.

No person shall make any opening or excavation in any street, highway, public alley or sidewalk, except a state highway, for any purpose whatsoever, except under the control and direction of the director of

public facilities and except in conformity with the provisions of this chapter.

(Ord. dated 12/21/92 § 75(f); prior code § 27-42)

12.12.020 Notice of intention to lay pavement.

Whenever it is contemplated to lay any wood, stone, macadam, asphalt or other pavement upon any street, the city clerk shall cause reasonable notice thereof to be given to the proprietors of the lands fronting upon the street to be paved, and shall request such proprietors to cause connections to be made with the sewers and gas and water mains in such street and their lands before such pavement shall be constructed.

(Prior code § 27-43)

12.12.030 Notice by utility companies prior to making excavations.

Every company engaged in the business of supplying or distributing either water, gas or electricity and every telephone or telegraph company shall, before making or causing to be made an opening or excavation in any street or pavement in the city, give written notice of its intention to do so to the director of public facilities, which notice shall specify the time and place where such opening or excavation is to be made and, as near as can be determined, the area to be opened or excavated.

(Ord. dated 12/21/92 § 75(f); prior code § 27-44)

12.12.040 Restoration after excavation.

Whenever any opening or excavation shall be made in any street, highway, public alley or sidewalk, the person making such opening or excavation shall, as soon thereafter as practicable, thoroughly and competently fill in such opening or excavation and tamp and puddle the earth therein so that the same shall not settle and shall restore and repave the immediate area thereof to the condition in which it existed before such opening or excavation was made, all in the manner directed by the director of public facilities and to his approval and satisfaction, and, from time to time, for a period of six months thereafter, shall make such repairs as may be necessary to maintain such area in a safe condition and at the level of the surrounding areas. If the opening or excavation is made in a paved highway, the person making such opening or excavation shall, after filling in such opening or excavation as provided in this section to a point within three inches of the surface of such highway, fill in the remaining portion thereof with such adequate temporary paving materials and in such manner as shall be approved by the director of public facilities and shall result in a temporary paved surface for such opening or excavation, and shall, from time to time thereafter, make such repairs as may be necessary to maintain the area so opened or excavated in a safe condition and at the level of the surrounding areas for a period of six months or until the opening or excavation is permanently resurfaced or repaved by the director of public facilities, the cost of which resurfacing or repaving shall be promptly paid to the city by the person who

shall hire the licensee to make such opening or excavation or by the public utility company making such opening or excavation. If any such opening or excavation shall not be so refilled, repaired and maintained safely and in repair, it shall be the duty of the director of public facilities to do such refilling and to make such repairs and to charge the expense thereof against the licensee making such opening or excavation, which expense shall be collected by the city attorney from the surety or the licensee or person hiring the licensee, jointly and severally, by any proper action.

(Ord. dated 12/21/92 § 75(f); prior code § 27-45)

12.12.050 Opening or excavation safeguards.

Any person making an opening or excavation in any street, highway, public alley or sidewalk shall erect and maintain a strong and adequate railing, fence or barrier around any such opening or excavation and shall keep at and over such opening or excavation a sufficient number of bright red lights to mark the same and to warn pedestrians and vehicles of its existence, which red lights shall be kept burning from sunset to sunrise until such work is completed.

(Prior code § 27-46)

12.12.060 Exemptions from certain sections of title.

None of the provisions or terms of Sections 12.08.090 through 12.08.180, 12.12.040, 12.12.050 and 12.12.090 through 12.12.230 shall apply to the city, or to any of its officers, boards, agencies or commissions.

(Prior code § 27-47)

12.12.070 Notice and protection of obstructions and excavations.

Whenever any person shall have authority, under any contract with the city or under any permit authorizing the same, to remove the pavement or flagging from, excavate, occupy or use any part of the public streets so as to obstruct the travel in any street and to prevent the same from being used for the time being for the purpose of travel, such person shall erect in conspicuous positions, at the several points of intersection of such street so obstructed with the cross streets nearest to such obstruction, a suitable notice of such obstruction, which notice shall be in such manner and form as the director of public facilities may direct. It shall be the duty of every person engaged in digging into any street or highway, paving any street or section of a street, building any sewer or drain, digging any trench for gas pipes or water pipes, or digging and building any cistern or well in any of the public streets, under contract with the city or by virtue of any permission which may have been granted to him by the common council or the director, where such work, if left exposed, would be dangerous to users of such streets, to erect a fence or railing at such excavation or work in such a manner as to prevent danger to the users of such street, and to continue and uphold the railing or fence until the work shall be completed or

the obstruction or danger removed. It shall also be the duty of such person to place upon such railing or fence, at twilight in the evening, suitable and sufficient lights and to keep such lights burning through the night. It shall be the duty of the director of public facilities and the police department to see that the provisions and requirements of this section, in regard to the erection of proper fencing or railings and the placing of proper lights thereon, are complied with and to report all violations thereof to the prosecuting attorney for prosecution.

(Ord. dated 12/21/92 § 75(f); prior code § 27-48)

12.12.080 Preservation of public safety.

A. No person, firm or corporation shall make any opening, excavation on any public street, highway, alley or sidewalk, for any purpose whatsoever, except under the control and direction of the director of public facilities and after receipt of a permit issued by him in compliance with the terms of this chapter.

B. Prior to the issuance of such permit by the director of public facilities, the applicant shall first obtain from the chief of police, or his designated agent, a certificate of preservation of public safety showing that said applicant has made arrangements with the chief of police, or his designated agent, for one or more policemen to be on duty at such location so as to protect the works, pedestrians and motor vehicles and direct traffic at said location until said work is completed. The cost for such protection is to be paid by the applicant at such rates as shall be established from time to time by the city. The number of policemen required to be on duty shall be solely within the discretion of the chief of police or his designated agent. Notwithstanding the foregoing, the chief of police, or his designated agent, may certify that in his opinion such police protection is not needed at such location at such time for which application is made, which certification shall be accepted by the director of public facilities in lieu of the aforesaid certificate of preservation of public safety. The fee for either certificate issued by the chief of police or his designated agent, shall be two dollars (\$2.00).

C. The chief of police or his designated agent shall maintain a list of policemen who indicate to him a willingness to accept assignments for said duty during hours that are not on regular police assignment and such officers shall be assigned to such jobs on a rotation basis.

D. No person, firm or corporation shall open any manhole without first receiving permission from the traffic division of the city, and if such division determines that a safety hazard will be caused by the opening of a manhole by any person, firm or corporation, it may then require that a police officer, as provided in this chapter, be assigned to the site.

(Ord. dated 12/21/92 § 75(a), (f); prior code § 27-98)

Article II. Permits

12.12.090 Excavation permits generally.

No person shall make any opening or excavation in any street, highway, public alley or sidewalk, except a state highway, for any purpose whatsoever except after receipt of a permit issued by the director of public facilities in compliance with the terms of this chapter.

(Ord. dated 12/21/92 § 75(f); prior code § 27-61)

12.12.100 Excavation permit for street openings where pavement is laid Required.

No person shall make any opening, aperture or excavation for any purpose whatever in any street upon which wood, stone, macadam, asphalt or other pavement is laid, or take up any portion of any such pavement without a permit therefor issued by the director of public facilities upon written application therefor as provided by ordinance.

(Ord. dated 12/21/92 § 75(f); prior code § 27-62)

12.12.110 Excavation permit for street openings where pavement is laid Fee.

A fee of one hundred dollars (\$100.00) for each excavation permit for combined sewers and a fee of one hundred dollars (\$100.00) for each excavation permit for storm and sanitary sewers shall be paid to the director of public facilities for permits granted by him under Section 12.12.100.

(Ord. dated 12/21/92 § 75(f); prior code § 27-63)

(Ord. dated 11/3/08; Ord. dated 2/2/09)

12.12.120 Public utility excavations License required.

No person or company engaged in the business of supplying or distributing either water, gas or electricity, or any telephone or telegraph company, shall make any opening or excavation in any street, highway, public alley or sidewalk, except a state highway, for any purpose whatsoever unless licensed therefor by the director of public facilities.

(Ord. dated 12/21/92 § 75(f); prior code § 27-64)

12.12.130 Public utility excavations Qualifications of license applicant.

The director of public facilities may issue the license required by Section 12.12.120 to any person or public utility company found by him to be suitable, competent and responsible in and for the performance of such work and who shall comply with the law and with the conditions governing such

license and the terms of this chapter.

(Ord. dated 12/21/92 § 75(f); prior code § 27-65)

12.12.140 Public utility excavations License applicant to file bond or indemnity agreement.

Every applicant for the license required by Section 12.12.120 shall file with the director of public facilities a good and sufficient bond, acceptable to the director, in the sum of ten thousand dollars (\$10,000.00), conditioned substantially as follows, except that no company engaged in the business of supplying or distributing either water, gas or electricity, or any telephone or telegraph company need furnish such bond provided they enter into an agreement with the city conditioned substantially as follows: that the applicant shall indemnify and save harmless the director of public facilities and the city, its officers, servants, agents and employees, from all claims, suits, liability and actions for or on account of any injury or damage received or sustained by any person or corporation, in consequence of or resulting from any act done or work performed by the applicant, his servants or agents, in connection with any opening or excavation on any street, highway, public alley or sidewalk, or from any negligence or omission in guarding such work or maintaining such work and its immediate area in a safe condition, or of or from any act or omission of the applicant, his servants or agents; that such applicant shall restore and replace that portion of any such street, highway, public alley or sidewalk, in which such applicant, his servants or agents shall make any excavation or opening, to as good condition as that in which the same was before such work was performed, but to the satisfaction and approval of the director of public facilities; that such applicant shall faithfully and in good workmanlike manner perform such work in all respects and shall comply in all respects with the charter and ordinances of the city and the rules and regulations established by the director of public facilities, relative to such work, and with the terms of the permits which may be issued to such applicant; that said applicant shall reimburse and indemnify the city for all cost and expense the city may incur in refilling, repaving or resurfacing such openings and excavations made by the applicant and in restoring the area in which they are made to their original condition, where the applicant fails or neglects to do so.

(Ord. dated 12/21/92 § 75(f); prior code § 27-66)

12.12.150 Public utility excavations License fee.

The annual fee for the license required by Section 12.12.120 shall be one hundred dollars (\$100.00).

(Prior code § 27-67)

(Ord. dated 11/3/08; Ord. dated 2/2/09)

12.12.160 Public utility excavations Revocation of license.

A. The director of public facilities may revoke the license required by Section 12.12.120 which has been

granted to any person or public utility company who shall violate or fail to conform to any of the terms of the bond required by Section 12.12.140, the terms of any permit issued to him or it, any section of the charter and ordinances of the city or of the statutes of the state, relating or applicable to such work, or who shall be indebted to the city for any expense that the city may have incurred or may incur in refilling such openings and excavations and in restoring, resurfacing or repaving their immediate area, by reason of the failure of the applicant to do so.

B. The director of public facilities may also revoke any such license for incompetency or negligence in the performance of such work, or for any failure, refusal or neglect on the part of such applicant to strictly comply with any rules, regulations or specifications established by the director of public facilities relating to the performance of such work.

(Ord. dated 12/21/92 § 75(f); prior code § 27-68)

12.12.170 Public utility excavations License term Transferability.

All licenses required by Section 12.12.120 shall expire on the thirty-first day of March next following their issuance, unless sooner revoked, and shall not be transferable.

(Prior code § 27-69)

12.12.180 Public utility excavations Permit required.

No licensee under Sections 12.12.120 through 12.12.170 shall make any opening or excavation in any street, highway, public alley or sidewalk for any purpose whatsoever without a permit therefor issued by the director of public facilities; except that in case of an emergency making an immediate opening or excavation essential to the public health and safety, such work may be commenced without such permit provided such permit is applied for and issued without delay.

(Ord. dated 12/21/92 § 75(f); prior code § 27-70)

12.12.190 Public utility excavations Permit application.

Application for the permit required under Section 12.12.180 shall be made to the director of public facilities on the forms provided therefor and shall include the following information, in addition to such other information as may reasonably be required by him: the place and exact location where the proposed opening or excavation is to be made; the purpose of the opening or excavation; the accurately estimated area of the excavation; the date and time when work thereon will commence and the period within which such work will be completed; a signed agreement by the licensee and the person by whom he is hired for the performance of such work to reimburse the city for all expense which the city may incur in refilling such excavation and opening and restoring, resurfacing or repaving the area thereof to its original condition, in case such licensee shall fail to do so, and indemnify and save harmless the

director of public facilities, the city and its officers, employees and agents, from all claims, suits, liability and actions for or on account of any injury or damage received or sustained by any person in consequence of or resulting from any act or omission of the licensee, his servants or agents, in or connected with the performance of such work.

(Ord. dated 12/21/92 § 75(f); prior code § 27-71)

12.12.200 Public utility excavations Permit fee.

The fee for the permit required by Section 12.12.180 shall be seventy-five dollars (\$75.00).

(Prior code § 27-72)

(Ord. dated 11/3/08; Ord. dated 2/2/09)

12.12.210 Public utility excavations Permit to be on premises Display required.

All permits required by Section 12.12.180, when issued, shall be on the job during the continuance of the work and must be displayed to all authorized persons when required.

(Prior code § 27-73)

12.12.220 Public utility excavations Revocation of permit.

Any permit required by Section 12.12.180 may be revoked by the director of public facilities on any grounds or for any reason for which a permit may be revoked.

(Ord. dated 12/21/92 § 75(f); prior code § 27-74)

12.12.230 Public utility excavations Permit term.

All permits required by Section 12.12.180 shall expire thirty (30) days after their issuance unless sooner revoked.

(Prior code § 27-75)

Article III. Excavations One Hundred Feet or More

12.12.240 Street excavations of one hundred feet or more.

Whenever any opening or excavation is made in any street or highway which is one hundred (100) linear feet or more, the following provisions shall be applicable:

A. An applicant is defined as a contractor and/or public utility or public service company. If the work to be performed will not be conducted by an employee of the public utility, then the public utility shall provide the name of the contractor as part of the application. The permit issued shall indicate the name of the public utility, the name of the licensed contractor and the work number assigned by the call before you dig clearinghouse. All applications shall be submitted to the department of public facilities no less than five business days prior to the date that the excavation would commence. In the event of an emergency repair, i.e. valve repairs, main or cable breaks, the department of public facilities shall receive oral notification of the emergency within twenty-four (24) hours after the excavation has commenced. If the emergency occurs after five p.m. on a business day, or on a weekend or holiday, the applicant shall make oral notification on the next business day following said emergency. Any such emergency notification shall be followed by a written application which includes a detailed explanation of the emergency and the work performed, no more than five calendar days after the excavation work has commenced. These permits are non-transferable without the written permission of the director of public facilities or his/her designee.

B. The applicant shall submit plans in duplicate, one set to the engineering department and one set to the department of public facilities at its administration office.

C. Public utilities shall cause their inspectors to reasonably inspect during the excavation, temporary and final restoration of city streets. These inspectors shall be required to maintain, and submit to the department of public facilities, trench logs and inspection forms which record the method of excavation and installation, the quality of materials, soil and compaction tests used in patching and paving, where applicable. The public utility shall meet all requirements set forth in the state statutes and regulations, and the city's ordinances regarding construction, equipment installation and restoration, and is responsible for ensuring compliance with the requirements of this section. These forms and logs shall be modified to address different industry standards where applicable.

D. A materials and/or compaction test, paid by the applicant, shall be required where the depth of opening, materials or other conditions warrant.

E. The opening and/or excavation shall be refilled in manner that ensures that the same shall not settle. The depth for permanent patches shall be four inches, or the thickness prior to excavation, whichever is greater. A patch of any opening and/or excavation of any street or highway shall be hot mix bituminous asphalt except where the director of public facilities approves a substitute.

F. Final restoration shall consist of complete lane rehabilitation on a parallel plane, and restoration of any and all areas of impact as approved by the director of public facilities. At a minimum, the standards for milling and depth of paving set forth in the policy of the State Department of Transportation for restoring utility trench excavations, highway maintenance directive number 93-1, shall be used. The

depth of paving may be increased at the discretion of the director of public facilities depending on the amount of travel on an individual road. Milling or saw cutting from the road crown or centerline to the curb will be the method used for this operation unless construction operations impact into or disturb more than one lane, at which time complete curb or esplanade to curb rehabilitation will be required. Relief from these requirements shall be obtained in writing from the director of public facilities. Final restoration will take place as soon as practical under industry standards, but in no case any later than six months from the date of the patch. The director of public facilities or his/her designee shall grant an exemption from all requirements for final restoration to any public service company, as defined in Section 16-1 of General Statutes of Connecticut, which requests such relief.

G. Highway line striping on all roads requiring same shall be restored at the expense of the applicant according to city standards, as will any signage or signalization structures.

H. The applicant shall provide a five year guarantee of compaction and pavement serviceability from the date of completion or corrective repair, whichever is later. When the applicants are a public utility and a contractor, the guarantee shall be provided by the public utility.

I. If an exemption has not been granted in accordance with subsection (F), and the applicant fails to commence and/or complete final restoration in a satisfactory and timely manner, the city may perform such final restoration after thirty (30) days notice to, and at the full cost of, the applicant.

J. The applicant shall post a bond in an amount satisfactory to fully comply with this section. If the applicant is a public service company, as defined in Section 16-1 of the General Statutes of Connecticut and, if applicable, the work will be performed by an outside contractor hired by said company, the requirement of a bond shall be waived in accordance with Section 16-230 of the General Statutes of Connecticut, provided the utility submits the following documents to the director of public facilities: (1) a certificate of proof of solvency in accordance with Section 16-230 of the General Statutes of Connecticut; and (2) verification that the construction and/or restoration work will be performed by an employee of the utility, or a letter which states that the public service company shall be responsible for ensuring compliance with the requirements of this section.

K. Ordinance sections of Chapter 12.12 shall be fully applicable except for ordinance Section 12.12.040.

L. At the discretion of the director of public facilities, or his/her designee, a contractor who is found in violation of subsections C, D, E, F, G, H or I of this section more than once in a three-month period may be prohibited from performing construction, installation or restoration work on and in city streets for a minimum period of six months and a maximum period of twelve (12) months. This prohibition may be waived by the director for good cause shown and the submission of a written application. The director shall respond to all such requests within fifteen (15) business days of receiving the written application. No later than fifteen (15) days after the issuance of a denial of such a waiver, a contractor may request a public hearing for reconsideration of the denial. The department of public facilities shall hold such a hearing no later than fifteen (15) business days after a written request for reconsideration has been

submitted to that department. The decision of the hearing officer appointed to that matter shall be final.

(Ord. dated 2/12/99: Ord. dated 2/24/98)

Chapter 12.16

STREET AND SIDEWALK USE REGULATIONS

Sections:

12.16.010 Street and highway grading requirements.

12.16.020 Use by animals.

12.16.030 Playing in streets.

12.16.040 Obstructing travel on public ways.

12.16.050 Fences.

12.16.060 Maintenance of stands on streets and sidewalks.

12.16.070 Selling from sidewalks.

12.16.080 Selling to persons on sidewalks.

12.16.090 Use of street or sidewalk in making delivery of goods.

12.16.100 Sidewalk stands Exceptions to chapter.

12.16.110 Awnings.

12.16.120 Parades.

12.16.130 Restrictions on moving buildings through the streets.

12.16.140 Removal of sod, turf, etc.

12.16.150 Removal of obstructions, snow and ice from sidewalks.

12.16.160 Liability for ice and snow on public sidewalks.

12.16.170 Duty to clean gutters.

12.16.180 Marking of private streets.

12.16.190 Prohibitions as to advertising matter.

12.16.200 Maintenance and repair of motor vehicles on public streets and highways and/or on city-owned or leased property.

12.16.210 Permit to occupy portion of street Issuance authorized.

12.16.220 Permit to occupy portion of street Fee.

12.16.230 Permit to occupy portion of street Duty of permittee to provide safe passage around obstruction.

12.16.240 Permit to occupy portion of street Display.

12.16.250 Miscellaneous acts prohibited.

12.16.260 Emergency closure of streets.

12.16.010 Street and highway grading requirements.

A. All grades of highways shall be made and mapped in reference to some fixed point or base in the city.

B. No street shall be laid out by the city unless at the same time a grade of such proposed street shall be duly established by the common council.

C. No street shall be accepted by the city until the same has been brought to a grade duly approved by the common council, which grading shall be certified to by the city engineer.

(Prior code § 27-11)

12.16.020 Use by animals.

No person shall cause or permit any animal or vehicle to stand upon or across any sidewalk so as to hinder or impede travel thereon nor upon any crosswalk; nor leave unattended any animal used for riding or driving, whether attached to any vehicle or not, unless such animal shall be securely fastened; nor fasten any animal to any tree or leave it so that it injures any street; nor ride or drive any animal on any street at a greater rate of speed than seven miles an hour.

(Prior code § 27-12)

12.16.030 Playing in streets.

No person shall ride any vehicle propelled by the feet, or any cart or wheelbarrow upon or along any sidewalk. No person shall coast, slide, fly kites or play ball or any other game in any street.

(Prior code § 27-13)

12.16.040 Obstructing travel on public ways.

No person shall loiter or idle upon any highway, sidewalk or bridge, or upon any fence or structure adjacent thereto, so as to hinder travel thereon.

(Prior code § 27-14)

12.16.050 Fences.

A. No hedge, shrubbery or full board fence shall be permitted at a height of more than four feet on any corner lot within a distance of twenty-five (25) feet from the corner point of the fence line on the street sides of such lot.

B. Every owner of any lot of land which abuts upon any street shall, when ordered to do so by the common council, cause to be erected and maintained on the line of such lot adjoining the street a suitable and sufficient fence of rails, boards or other materials; and the director of public facilities is authorized to erect such a fence at the expense of the parties interested, when the owner shall neglect to provide the same within the time limited in such order.

(Ord. dated 12/21/92 § 75(f); prior code § 27-15)

12.16.060 Maintenance of stands on streets and sidewalks.

No person shall place or maintain and no person shall permit or suffer the placing or maintenance on or along any street or sidewalk of any cart, wagon, vehicle, box, stand, container, sign or any other article or thing for the purpose of selling, offering for sale, displaying or advertising any article of food, or any goods, wares or merchandise, or advertising any business or amusement or place of such business or amusement.

(Prior code § 27-16)

12.16.070 Selling from sidewalks.

No person occupying or using any premises adjoining any sidewalk shall use, and no person occupying or using any such premises shall permit or suffer anyone to use, any part of any sidewalk for the purpose of selling or offering for sale, or inducing the sale of any article of food, or any goods, wares or merchandise displayed or maintained on the premises occupied or used by such person.

(Prior code § 27-17)

12.16.080 Selling to persons on sidewalks.

No person occupying or using any premises adjoining any sidewalk shall sell or offer to sell, from such premises or any part thereof to any person on the sidewalk adjoining such premises, any article of food, or any goods, wares or merchandise or any other thing maintained, displayed or advertised for sale on such premises; nor shall any person occupying or using such premises suffer or permit any other person to do so.

(Prior code § 27-18)

12.16.090 Use of street or sidewalk in making delivery of goods.

No person in making delivery to any place of any article of food, or of any goods, wares or merchandise or of any other thing, shall deposit and permit any such article to remain upon any street or sidewalk; and no person receiving any such delivery shall permit or suffer any such article to remain upon any street or sidewalk.

(Prior code § 27-19)

12.16.100 Sidewalk stands Exceptions to chapter.

Nothing in this chapter shall apply to or forbid the maintenance of any sidewalk stand for the sale of newspapers under any license therefor now or hereafter issued by the chief of police pursuant to the provisions of Sections 12.08.010, 12.08.020 and 12.16.170; nor to any stand in any city-owned park maintained by or the maintenance of which is licensed by the city; nor to any receptacle for the deposit of refuse or rubbish maintained for the use of the public by or with the permission of the city; nor to refuse or garbage deposited for collection by the director of public facilities, provided such refuse or garbage is deposited in such manner and form, in such receptacles and at such places as are approved by the director of public facilities; nor to lawful picketing in any bona fide labor dispute.

(Ord. dated 12/21/92 § 75(a), (f); prior code § 27-20)

12.16.110 Awnings.

No awning, which is designed to be attached to any permanently erected frame extending over any part of the sidewalk or to any pole or post set in the sidewalk or street, shall be placed over or across any public sidewalk unless a permit for the erection and maintenance of such awning shall be procured from the common council. No part of any awning, when extended over any sidewalk, shall be less than seven feet above the level of the sidewalk.

(Prior code § 27-21)

12.16.120 Parades.

All street parades and processions bearing banners, or other conspicuous devices, or accompanied with music or any disturbing sounds, except the national guard, the police and fire departments and funeral processions engaged in the burial of the dead, are prohibited, unless permission therefor shall be first obtained from the chief of police. The chief of police may furnish a police escort for any such parade or procession if deemed by him necessary or proper.

(Ord. dated 12/21/92 § 75(a); prior code § 27-22)

12.16.130 Restrictions on moving buildings through the streets.

A. Every application for a license to remove a building under the provisions of Chapter 5, Section 7(g) of the Charter and Related Laws compilation found on file shall state the name of the owner of the building to be moved, the name of the person who is to move the same, the precise location from and to which the building is to be moved, the distance from the proposed front line of such building to the line of the street, the street or streets through which it is to be conveyed, the dimensions of the building and the nature of the materials of which it is constructed. The director of public facilities, in his discretion, may approve or deny the application for a license.

B. Every application under this section shall be carefully filed and preserved.

C. No person receiving permission to remove a building, as provided for in this section, shall be deemed to have permission to remove the same through or upon any street not designated in his application or permit. No such license shall be granted until the applicant has filed a bond, with good and sufficient surety in the sum of twenty-five thousand dollars (\$25,000.00), payable to the city for its benefit and for the benefit of any person who may be specially injured thereby, which bond shall be approved by the city attorney.

D. Every such license shall have limited therein a certain date before which time such moving is to be completed.

E. If such building remains upon any street after such date, the director of public facilities in his discretion shall either complete the moving of the same, or, if in his judgment such building as a whole cannot reasonably be moved to its destination, he shall have the power to separate the building into parts, so that he can reasonably remove it from the street. The licensee shall be liable under such bond for any expense, cost, loss and damage sustained by the city. The city shall not be liable to the owner of such building for any damage that may be done by the director of public facilities in removing the building from the street.

(Ord. dated 6/7/04; Ord. dated 12/21/92 § 75(f); Ord. dated 4/3/89; prior code § 27-23)

12.16.140 Removal of sod, turf, etc.

No person shall cut or dig up any sod or turf in any street or public square with the intent to remove or carry away the same, or remove or carry away any earth, gravel or street dirt from any street without permission of the director of public facilities.

(Ord. dated 12/21/92 § 75(f); prior code § 27-24)

12.16.150 Removal of obstructions, snow and ice from sidewalks.

A. Every person owning any land upon or adjacent to which there is a sidewalk, paved, concreted or worked, shall keep such sidewalk at all times in a safe and convenient condition for the use of the public, and shall forthwith repair all defects and remove all obstructions in any way endangering the public travel upon the same.

B. Every owner or occupant of any land or building, or the owner or lessee of any unoccupied land or building adjoining any sidewalk, shall, before sunset, remove any wood, coal, box, barrel, can or any other thing by which such sidewalk shall be in whole or in part obstructed or rendered unsafe or inconvenient to public travel.

C. Every owner or occupant of any land or building, or the owner or lessee of any unoccupied land or building, shall keep and maintain any sidewalk adjoining such land and building free from snow, ice or sleet, by which such sidewalk shall be obstructed or rendered unsafe. Whenever such sidewalk shall be permitted to remain covered with snow, ice or sleet for more than six hours after the same shall have been deposited or formed thereon, the director of public facilities may remove such snow, ice or sleet from sidewalk and report the expenses of such removal to the city attorney, who shall immediately collect the same by any proper action against the owner or occupant of the land or building, or the owner or lessee of any unoccupied land or building, adjoining such sidewalk. This section shall not be so construed as to conflict with Section 19-310 of the General Statutes.

(Ord. dated 4/7/03; Ord. dated 12/21/92 § 75(f); prior code § 27-25)

12.16.160 Liability for ice and snow on public sidewalks.

A. The provisions of Connecticut General Statutes Section 7-163a are adopted, and are set forth in subsections B and C of this section.

B. Notwithstanding the provisions of Section 13a-149 of the General Statutes or any other general statute or special act, the city shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless the city is the owner or person in possession and control of land abutting such sidewalk, other than land used as a highway or street, provided the city shall be liable for its affirmative acts with respect to such sidewalk.

C. The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice or snow on such sidewalk toward the portion of the sidewalk abutting his property as the municipality had prior to the effective date of the ordinance codified in this section adopted pursuant to the provisions of Connecticut General Statutes Section 7-163a and shall be liable to persons injured in person or property where a breach of duty is the proximate cause of injury.

1. No action to recover damages for injury to the person or to property caused by the presence of ice or snow on a public sidewalk against a person who owns or is in possession and control of land abutting a public sidewalk shall be brought but within two years from the date when the injury is first sustained.

(Ord. dated 1/22/91: prior code § 27-25a)

12.16.170 Duty to clean gutters.

In case the gutter opposite any dwelling house, store or other building, or opposite any lot of ground, shall at any time become obstructed with snow, ice, dirt or anything whatsoever, the owner, occupant or person having charge thereof shall cause such gutter to be cleaned out so that the water may run freely along the same.

(Prior code § 27-26)

12.16.180 Marking of private streets.

Whenever any street shall be laid out over and across private land by the owner thereof, and until the same shall be accepted by the common council, the person making such layout and the owner of such private street shall maintain at either entrance to such street, and at the intersection of such street with any other street, a suitable sign or notice approved by the director of public facilities and containing thereon the words "private street."

(Ord. dated 12/21/92 § 75(f); prior code § 27-29)

12.16.190 Prohibitions as to advertising matter.

No person who by virtue of a license granted under this chapter shall occupy a portion of any street with building materials, or by virtue of such license shall erect a fence of any description in any portion of a city street, shall place or cause or suffer to be placed thereon any poster, bill, placard or other printed, written or painted material by way of notice, announcement or advertisement of any event, thing, business or other matter except such as may be required by law. The violation of this section, in addition to any other penalty provided by law, shall be a sufficient reason for the revocation of such license by the director of public facilities without notice.

(Ord. dated 12/21/92 § 75(f); prior code § 27-50)

12.16.200 Maintenance and repair of motor vehicles on public streets and highways and/or on city-owned or leased property.

A. No person shall make any repairs on any motor vehicle on the public streets or highways of the city except for changing of bulbs and lenses, changing of windshield wipers, installation of air filters, minor repair of electrical wires, changing or replacing of a battery, minor repair and/or maintenance of the interior of a vehicle, the changing of a flat tire, or other repairs of a similar minor nature, provided such minor repairs are performed in an expeditious manner and do not, in any manner, interfere or obstruct access of vehicles on such streets or highways.

B. No person shall make any repairs on any motor vehicle on any city-owned or leased premises within the city unless having first received permission from the police department.

C. Any emergency repairs performed by a licensed mechanic, service station or auto repair shop shall be permitted and not be considered a violation of this section, if performed expeditiously.

D. Any person violating the provisions of this section shall be subject to having the motor vehicle he is making repairs on immediately towed from its location by order of the police department at his expense.

E. Any person violating the provisions of this section shall be fined not more than one hundred dollars (\$100.00) for the first offense. Any persons violating the provisions of this section shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) for a second offense. Any person violating the provisions of this section for a third and any subsequent times, shall be liable for a fine of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) and/or up to thirty (30) days in jail.

(Prior code § 27-31)

12.16.210 Permit to occupy portion of street Issuance authorized.

A. Every person intending to erect or repair any building upon any land abutting on any street must receive from the director of public facilities a permit to occupy a portion of such street with building materials or to fence off a portion of the sidewalk in the protection of the public; provided, however, that no such permit shall be granted authorizing or permitting any person to occupy or close more than one-half of the width of the sidewalk upon such land abuts.

B. Every person intending to use any portion of any street or sidewalk for an entertainment event or block party must receive from the director of public facilities a permit to occupy such street and/or sidewalk for a limited time. No permit shall be granted denying access to any pedestrian sidewalk but the street may be closed to vehicular travel. If such a permit is granted, the police chief and emergency operations officer must be given written notice of said permit a minimum of seven business days prior to said event.

(Ord. dated 12/21/92 § 75(f); prior code § 27-93)

(Ord. dated 12/15/08)

12.16.220 Permit to occupy portion of street Fee.

A fee of thirty-five dollars (\$35.00) shall be paid to the director of public facilities for the use of the city for each month or part thereof that any street or sidewalk shall be occupied or closed pursuant to the permit authorized by Section 12.16.210.

(Ord. dated 12/21/92 § 75(f); prior code § 27-94)

(Ord. dated 11/3/08)

12.16.230 Permit to occupy portion of street Duty of permittee to provide safe passage around obstruction.

Any person duly permitted to occupy any part of any street pursuant to a permit issued as authorized by Section 12.16.210, while erecting or repairing any building, opening any sewer or making any excavation in any street for any purpose, shall provide safe and convenient passage around or over the same for public travel, and shall be responsible to the city for any damage occasioned by any neglect to do so.

(Prior code § 27-95)

12.16.240 Permit to occupy portion of street Display.

Any person occupying any portion of any street under a permit issued under Section 12.16.210 shall, when requested by the director of public facilities or any police officer, exhibit his permit for such occupation.

(Ord. dated 12/21/92 § 75(f); prior code § 27-96)

12.16.250 Miscellaneous acts prohibited.

The erecting or placing of any building, gate, fence, post, box, cask, wood, brick, stone, nonmotor vehicle unattached to any animal, or any other thing upon any sidewalk or street; the placing, hanging or maintaining of any flag, banner, article of merchandise or other thing except awnings and signs over or across any sidewalk or street; the opening or making of any vault or cellar in, upon or under any street; and the kindling of any fire or bonfire in any public street are prohibited without consent of the common council; provided, however, that nothing in this section shall be construed so as to prevent or hinder any person, while in the process of building or repairing any building, from placing in any street materials for such purposes under such conditions and restrictions as may be prescribed in each particular case in a permit issued therefor under this section.

(Prior code § 27-30)

12.16.260 Emergency closure of streets.

The director of public facilities of the city of Bridgeport may close or restrict traffic over any section of any street, highway or bridge within the city for the purpose of construction, reconstruction or repair, or in case of public emergency, by posting notices at each end of such street, highway or bridge, and any person using such street, highway or bridge when such notices are so posted shall do so at his own risk.

(Ord. dated 1/20/04: prior charter of 1939, § 40(a); SA No. 314 (1941))

Chapter 12.20 STREET TREES AND SHRUBS

Sections:

12.20.010 Permit to plant in public street.

12.20.020 Restrictions on planting on curb.

12.20.030 Restrictions on planting close to sidewalks.

12.20.040 Correction of violations.

12.20.010 Permit to plant in public street.

A. Required. No person shall hereafter plant any tree or shrub within the limits of any public street without a permit therefor issued by the tree warden of the city.

B. Application. Application for such permit shall be in writing upon forms which shall be provided by the tree warden. The application, among other things, shall set forth the size, species and type of such tree or shrub and the location at which the permittee proposes to plant the same.

C. Factors Considered in Passing Upon Application. The tree warden, in passing upon such application, shall consider the effect of the proposed planting upon the present and future use, safety, maintenance, development and improvement of the public streets and, on the basis of such considerations, shall grant or deny the application.

D. Conditions. In granting any permit, the tree warden shall set forth such conditions and limitations as he may determine to be necessary in carrying out the purposes of this chapter and in applying the foregoing standards. In the planting or maintenance of any tree or shrub pursuant to any permit, the permittee shall strictly observe such conditions and limitations as may be imposed by the tree warden.

(Prior code § 27-129)

12.20.020 Restrictions on planting on curb.

No person shall plant any tree or shrub in the space between the street curbline and the adjacent public sidewalk line unless there shall exist, and thereafter be maintained, an open space of not less than four feet between such curb and sidewalk lines.

(Prior code § 27-130)

12.20.030 Restrictions on planting close to sidewalks.

If the base of any tree in a public street shall be of such size as to occupy more than the space between the curb and sidewalk lines or if it is so situated therein as to be in close proximity to the sidewalk, no sidewalk pavement of any kind shall be laid within a space of eight inches from the base of such tree.

(Prior code § 27-131)

12.20.040 Correction of violations.

If any person shall plant any tree or shrub without a permit from the tree warden, or in violation of the terms or conditions of any such permit, or shall so plant any tree or shrub as to violate the provisions of

this chapter, the tree warden may order the person planting such tree or shrub, or the owner of the property in front of which such planting occurred, to remove the same at his own expense. If the person so ordered to remove such planting shall fail to do so within a period of thirty (30) days after such order, the tree warden may cause the same to be removed and the expense thereof shall be charged to the person to whom the order was given. Such expense shall be reported by the tree warden to the common council and shall be referred by it to the tax collector for collection, who shall have the same remedies for collection thereof as are possessed by him with relation to sidewalk assessments.

(Prior code § 27-132)

Chapter 12.24

CITY PROPERTY REGULATIONS

Sections:

12.24.010 Identification of city property for sale.

12.24.020 Placing vessels on city land Restricted.

12.24.030 Placing vessels on city land Permit.

12.24.040 Dumping on city land prohibited.

12.24.050 Removal of objects in violation of Sections 12.24.020 through 12.24.040.

12.24.060 Damaging, destroying city property.

12.24.010 Identification of city property for sale.

All city-owned property offered for sale to the general public shall have placed upon the premises in a conspicuous location a lawn sign identifying that the property is owned by the city and for sale and a telephone number which persons may call for information regarding the sale of the property. The foregoing requirement may be waived by vote of the common council.

(Ord. dated 11/7/88 (part): prior code § 2-246)

12.24.020 Placing vessels on city land Restricted.

A. Except as provided in Section 12.24.030, no boat or vessel of any kind shall be beached, placed, housed or cradled on any land owned by the city, or on any beach adjoining such land.

B. The term "any beach adjoining such land," as used in this section and Section 12.24.030, shall be deemed to refer to and include the beach in which the city possesses riparian rights by virtue of its ownership of the adjoining upland. Except as provided in Section 12.24.030, no part or equipment of any boat or vessel or any device, mechanism, equipment, timber or material for the launching or the hauling from any body of water of any boat or vessel or for cradling or mooring the same shall be stored or placed or permitted to remain upon any land owned by the city or upon any beach adjoining such land.

(Prior code § 2-240)

12.24.030 Placing vessels on city land Permit.

As to any land owned by the city which is not located in a residence zone under the zoning regulations of the city and which is not under the control of the board of park commissioners or other department of the city, the city clerk, upon written application to him upon such forms as may be prescribed by him, may permit any boat to be hauled thereon or upon any beach adjoining such land for the purpose of repairing or working upon such boat, provided such permit shall be in writing, shall set forth the length of time which such boat may remain on such land or adjoining beach, and shall specify the purpose for which the permit is granted.

(Prior code § 2-241)

12.24.040 Dumping on city land prohibited.

No rubbish, refuse, waste matter, material or substances of any kind or character shall be dumped or deposited upon any land owned by the city or any beach adjoining such land except where the same is permitted by the board of park commissioners or other department of the city as to land under the control of such board or department or by the city hall committee as to all other land in the city.

(Prior code § 2-242)

12.24.050 Removal of objects in violation of Sections 12.24.020 through 12.24.040.

The city clerk, as to all lands of the city not under the control of the board of park commissioners or other department of the city, may cause any boat, vessel, device, mechanism, equipment, timber, material, rubbish, refuse, waste matter or substances heretofore specified in Sections 12.24.020 through 12.24.040, which shall be placed or permitted to remain thereon beyond the time limited in any permit granted under Section 12.24.030, to be removed therefrom at the expense of the owner thereof or the person who placed or caused the same to be placed thereon in violation of the provisions of such sections. The director of parks and recreation, as to all land of the city under the control of the board of park commissioners, may cause any such boat, vessel, device, mechanism, equipment, timber, material, rubbish, refuse, waste matter or substances heretofore specified in such sections which shall be placed or

permitted to remain upon land owned by the city or any beach adjoining such land to be removed therefrom at the expense of the owner thereof or the person who placed or caused the same to be placed thereon in violation of the provisions of such sections.

(Ord. dated 12/21/92 § 75(d); prior code § 2-243)

12.24.060 Damaging, destroying city property.

A. The term "property" as used in this section shall mean all property owned or leased by the city whether it is held for a public or private purpose.

B. Any person who wantonly, wilfully or maliciously injures or destroys, or who attempts to wantonly, wilfully or maliciously injure or destroy, property belonging to or leased by the city shall be guilty of a misdemeanor. Each act shall be considered a separate offense.

(Prior code § 2-244)

Chapter 12.28 PARK USE REGULATIONS

Sections:

12.28.010 Posting of rules and regulations.

12.28.020 Firearms and fireworks prohibited in parks.

12.28.030 Use of vehicles in parks restricted.

12.28.040 Parking restricted within public parks.

12.28.050 Reward for arrest of persons stealing or damaging property.

12.28.060 Drinking of alcoholic beverages in parks, beaches or playgrounds prohibited without a permit.

12.28.070 Specific areas where drinking alcoholic beverages prohibited.

12.28.080 Erection of structures restricted.

12.28.090 Animals prohibited from parks.

12.28.100 Disturbing animals in parks restricted.

12.28.110 Playing of games in parks restricted.

12.28.120 Admission fee to Barnum Museum Exemptions.

12.28.130 Regulation of swimming.

12.28.140 Specific areas where swimming and/or fishing prohibited.

12.28.150 Bathing attire.

12.28.160 Wearing of bathing attire in parks restricted.

12.28.170 Certain acts prohibited.

12.28.180 Violations Penalties.

12.28.190 Adult sports team registration fees.

12.28.010 Posting of rules and regulations.

The board of park commissioners shall cause all rules and regulations and the penalties provided therein relating to the government of the persons visiting any of the public parks to be plainly printed and to be kept conspicuously posted in proper places in the parks to which they relate.

(Prior code § 22-2)

12.28.020 Firearms and fireworks prohibited in parks.

No person shall carry or have any firearms in any of the city parks, and no firearms, firecrackers, torpedoes or fireworks shall be discharged in such parks except by permission of the board of park commissioners.

(Prior code § 22-6)

12.28.030 Use of vehicles in parks restricted.

A. No person shall ride or drive any vehicle or conveyance, motor or otherwise, in the city parks except upon the roads provided therefor; and no such vehicle or conveyance shall be driven or propelled in such parks at such a rate of speed as to be unreasonable under the traffic conditions or to put in danger the property or persons of those using such parks or traveling therein. No cart, delivery wagon or truck,

except while in the employ of the board of park commissioners or with the consent of such board, shall enter any park or any part thereof.

B. No public service motor vehicle, or any vehicle designed for commercial purposes, or any car or vehicle displaying an advertisement, whether propelled by motor or horse-drawn, shall enter any of the public parks of the city, except in the service of, or by permission of, the board of park commissioners. Taxicabs shall not enter public parks of the city. This section shall not preclude the use of Waldemere Avenue Extension and Barnum Dyke at Seaside Park during the summer months by public service motor vehicles operating thereon by permission of the public utilities commission.

C. The use of motorcycles and motorbikes is prohibited within the confines of Beardsley Park and Seaside Park; and the board of park commissioners of the city is authorized to prohibit the use of motorcycles and/or motorbikes in any city park, should the need become necessary when it conflicts with the obligation of the board of park commissioners to provide for the safety of the citizens of the city and those other persons using the public parks of the city.

(Prior code § 22-7)

12.28.040 Parking restricted within public parks.

The following regulations for parking of motor vehicles shall be in effect:

A. There shall be areas within the public parks specifically designated by the board of park commissioners as permit parking areas. Admittance within these areas shall be only by way of a season permit or by a payment of a specific fee for a specified period of time, which fee and specified period of time shall be set by the board of park commissioners.

B. Season permits shall be issued by the board of park commissioners to owners of automobiles which are registered with the Motor Vehicle Department of the state of Connecticut and listed with such department as being registered in the city. The season permit shall be for a specified period of time for a fee as set from time to time by the board of park commissioners, which shall not exceed five dollars (\$5.00) per year. This permit shall be affixed to the lower portion of the left front window or left side window vent. Before so doing, however, the owner shall inscribe in ink upon such sticker in the place so designated the registration number of the automobile to which it is to be so affixed. There shall be a two-year moratorium on any increases in season permit fees for residents of Bridgeport, until May 6, 1993. Exceptions to the season permit fee shall meet the following criteria:

1. Proof of residence in the city of Bridgeport and proper identification;
2. Senior citizen sixty-five (65) years or older;
3. One exception per qualified senior citizen with current motor vehicle registered in the city of

Bridgeport.

Upon presenting proper identification; proof of age and residency, persons meeting all of the above criteria shall be eligible for one free park sticker annually.

C. Specific areas of the public parks set aside by the board of park commissioners as permit parking areas are designated as tow-away zones, subject to the provisions of the tow-away ordinances of the city.

D. Parking in any other area within the public parks or during any other period shall be as designated by the board of park commissioners.

E. Any vehicle parking in the public parks in areas designated as permit parking areas in violation of this section may be assessed as follows: any officer of the police department of the city shall attach to such vehicle a notice to the owner thereof that such vehicle has been parked in violation of a provision of this section. Each such owner, within twenty-four (24) hours of the time when such notice was attached to such vehicle, shall pay or cause to be paid to such police department as a penalty for and in full satisfaction of such violation the sum of ninety-nine dollars (\$99.00). The failure of such owner to make such payment within twenty-four (24) hours shall make him liable to the penalties provided in Chapter 1.12 of this code.

(Ord. dated 6/6/05; Ord. dated 5/6/91: prior code § 22-13)

12.28.050 Reward for arrest of persons stealing or damaging property.

Fifty dollars (\$50.00) will be paid by the board of park commissioners for the arrest and conviction of any person stealing flowers or plants, or injuring the trees, shrubbery or any city property in said parks.

(Prior code § 22-15)

12.28.060 Drinking of alcoholic beverages in parks, beaches or playgrounds prohibited without a permit.

A. Beer kegs or similar single containers of beer which contain in excess of one quart are prohibited in any public park, beach or playground unless a permit is obtained from the director of parks and recreation. Before any permit may be issued, the person or organization seeking such permit shall file an application with the director of parks and recreation setting forth:

1. The name, address and telephone number of the person or organization filing the application;
2. The park and the portion of the park requested for such use;

3. The dates and hours for which the use is requested; and

4. The approximate number of persons expected.

B. In deciding whether to grant such permit, the director of parks and recreation shall consider:

1. The nature of the subject park property and its adaptability to such use;

2. The number of persons who will be consuming alcoholic beverages;

3. The past experience with this person or organization in terms of their use and consumption of alcoholic beverages;

4. The past experience with the drinking of alcoholic beverages in the park or particular portion of the park which the applicant proposes to use;

5. The effect this use of the park would have on the neighborhood adjacent to said park property; and

6. The nature of the organization that would be using such park property under such permit.

C. Any person or organization aggrieved by any determination of the director of parks and recreation under any provision of this section may appeal such determination to the board of park commissioners by setting forth the details of such grievance in a letter to it, with a copy to the director of parks and recreation, within seven days after a determination by the director of parks and recreation with regard to said application.

D. Any person violating this section shall be subject to a fine as provided in Chapter 1.12 of this code.

(Ord. dated 12/21/92 § 75(d); prior code § 22-17)

12.28.070 Specific areas where drinking alcoholic beverages prohibited.

The drinking of any alcoholic beverage is not allowed in Wood Park Circle, and persons violating this rule will be subject to arrest, per order of the board of park commissioners. Any person violating this section shall be fined as provided in Chapter 1.12 of this code or imprisoned for not more than thirty (30) days or both.

(Prior code § 22-18)

12.28.080 Erection of structures restricted.

No person shall erect in any part of said parks, or on the shores adjacent thereto, any building, tent, cabin or other structure, or camp in any part of said parks, without permission of the board of park commissioners. Recreational vehicles, such as campers and trailers, are not allowed to park overnight in the city parks.

(Prior code § 22-12)

12.28.090 Animals prohibited from parks.

No domestic animals except horses and dogs shall be taken or permitted to go into any of the parks of this city with or without a keeper, and no dog shall be taken or permitted to go into any of such parks unless held in leash. This section shall not be so construed as to conflict with Section 300 of the compiled Charter and Related Laws of the city found on file or with any provision of the General Statutes of the state. No horse not attached to a vehicle used exclusively for purposes of pleasure and recreation, or used for purposes of the park department or any other department or agency of the city, shall enter or be allowed to enter any public park except in such places as may be designated and officially posted for such purposes by the board of park commissioners and then strictly subject to such restrictions and regulations with respect thereto as may be adopted by the board of park commissioners. A copy of this section, printed in large and easily legible type, shall at all times be kept conspicuously posted both in the interior and on the exterior of all so-called riding academies, and all other establishments and premises where horses are rented or let out for hire.

(Prior code § 22-4)

12.28.100 Disturbing animals in parks restricted.

No person shall disturb any bird, bird's nest or bird's eggs, or any squirrel or other animal within any of the city parks, except by permission of the board of park commissioners. No person shall feed any bird, squirrel or other animal within any of such parks, except by permission of the board of park commissioners.

(Prior code § 22-11)

12.28.110 Playing of games in parks restricted.

No games shall be played in the city parks except in such places as shall be specially designated therefor by the board of park commissioners.

(Prior code § 22-14)

12.28.120 Admission fee to Barnum Museum Exemptions.

A. There shall be fees for adults, persons over the age of sixty-five (65), students with proper identification, and children for admission to the Barnum Museum at rates compatible with those charged by comparable museums in the state of Connecticut. Children shall be considered to be anyone above four years of age and under eighteen (18) years of age. Persons under the age of four years shall be admitted free of charge.

B. Groups of students from Bridgeport schools supervised by a teacher and visiting as part of their educational program and during school hours shall be admitted free of charge. Members in good standing of the Barnum Museum shall be entitled to free admission. The Barnum Museum may make reciprocal fee arrangements with other organizations, notwithstanding any fees established pursuant to this section.

C. Children's admission shall be increased as follows:

1. Regular	from \$2.00 to \$3.00;
2. Group	from \$1.50 to \$2.00.

D. Any increases in fees in the future originally set per this section shall be approved by the common council before they take effect.

(Ord. dated 6/3/91; Ord. dated 2/21/89: prior code § 22-16)

12.28.130 Regulation of swimming.

No person shall be permitted to swim at any public beach a distance which shall be regarded as unsafe by the lifeguard or other public authority at such beach, and any person who shall persist in such practice after being warned shall be deemed guilty of a violation of this section. The superintendents of the public bathing beaches and their assistants, including lifeguards, are authorized to enforce the provisions of this section and Section 12.28.150, and the penalty for the violation of any of the provisions thereof shall be a fine of not more than fifty dollars (\$50.00) for each offense.

(Prior code § 22-9)

12.28.140 Specific areas where swimming and/or fishing prohibited.

A. It is unlawful for any person or persons to fish or swim in the area off Seaside Park known as Breezy Point Breakwaters. Violations or violators shall be fined not more than fifty dollars (\$50.00) each.

B. It is unlawful for any person or persons to swim in the Beardsley Park water area known as Brunnell's Pond. Violations or violators shall be fined not more than fifty dollars (\$50.00) each.

(Prior code § 22-9.1)

12.28.150 Bathing attire.

The attire for public bathing for both men and women shall conform at all times to a standard of decency with a minimum of unnecessary exposure. No person shall dress or undress, whether in the open or in any vehicle, in any portion of any public park or upon the shores of any water adjacent thereto except in such buildings as shall be specially designated therefor by the board of park commissioners; provided that the removal of outer garments placed over a proper bathing attire shall not be considered a violation of the provisions of this section.

(Prior code § 22-8)

12.28.160 Wearing of bathing attire in parks restricted.

No person in bathing costume shall be allowed upon the ball fields or other public park lands of the city, except such land as lies adjacent to and west of the public bathing pavilion at Seaside Park.

(Prior code § 22-10)

12.28.170 Certain acts prohibited.

A. No person shall sleep upon the grass, benches or any other part of the open ground of the parks; and no person shall cut, break, dig up or in any manner mutilate or injure any drive in any of the city parks, or mark or paste on any stone, fence, wall, building, monument or other object contained or located in such parks any bill, advertisement or inscription whatsoever except by direction or permission of the board of park commissioners.

B. No person shall, except by permission of the board of park commissioners, sell, offer or expose for sale any goods or wares in the city parks; nor shall any person distribute any handbill or poster therein or solicit subscriptions or contributions or play any games of chance or have possession of any instrument of gambling, or utter profane, threatening, abusive or indecent language, or commit any obscene or indecent acts within any of such parks.

(Prior code § 22-5)

12.28.180 Violations Penalties.

The following park violations shall be subject to a fine of ninety-nine dollars (\$99.00) for each offense:

A. Park department regulations having the effect of ordinances:

1. Misuse or damage park property;
2. To injure trees, plants or disturb animals;
3. Exceed fifteen (15) miles per hour or to teach to drive;
4. To have organized music or public speaking without permit;
5. Illegal use of firearms or fireworks;
6. Illegal dumping in public parks.

B. Common violations of ordinances pertaining to public parks:

1. Mutilation of park roads or grounds;
2. Defacing or abuse of any park property;
3. Illegal use of fireworks;
4. Driving vehicles in areas other than roads;
5. Unauthorized trucks, delivery wagons or carts in park;
6. Endangering property or person of those using parks;
7. Selling goods or wares without permit;
8. Committing indecent or obscene acts;
9. Commercial vehicle in the park; motorcycle and motor bike;
10. Parking of autos along certain streets at seaside;
11. Illegal use of park stickers and fees for same;
12. Loitering by minors during certain hours prohibited;
13. Dumping prohibited on unauthorized areas.

(Prior code § 22-19)

12.28.190 Adult sports team registration fees.

A. Each sports team seeking permission to operate as part of an adult athletic league within or on city parks or parkland shall be required to pay an annual per team registration fee of one hundred dollars (\$100.00) per calendar year or part thereof.

B. Registrations shall be issued by, and registration fees payable to, the Parks and Recreation Department.

(Ord. dated 3/23/09)

Chapter 12.32 HISTORIC DISTRICTS

Sections:

Article I. Establishment of Districts

12.32.010 Historic district number 1 established.

12.32.020 Black Rock Harbor historic district established.

12.32.030 Barnum-Palliser historic district established.

12.32.040 Marina Park historic district established.

12.32.050 Pembroke City historic district established.

12.32.060 Stratfield historic district established.

Article I. Establishment of Districts

12.32.010 Historic district number 1 established.

Historic districts are established in the city which shall be referred to as the historic district number 1; which will comprise the historic districts for Black Rock Harbor historic district, Barnum-Palliser historic district, Pembroke City historic district and Marina Park historic district, the boundaries of which are particularly described as set out in this article.

(Ord. dated 5/6/91 (part): prior code § 24-102 (part))

12.32.020 Black Rock Harbor historic district established.

Beginning at point of intersection of the United States Harbor Line in Burr Creek and the northeast boundary of Ellsworth Field; thence southwesterly along the boundary of Ellsworth Field for a distance of 780 feet, more or less, to the north street line of Brewster Street; thence southeasterly to a point opposite the southwest property line located 101 feet, more or less, southwest of the intersection of Brewster Street and Seabright Avenue; thence southerly for a distance of 138 feet, more or less, to a point of intersection with the northerly property line of land now or formerly of Lula K. Wry; thence southeasterly for a distance of 52 feet, more or less, to a point of intersection with the southwest property line of land now or formerly of the Brewster Street Corp.; thence southerly for a distance of 162 feet, more or less, to a point of intersection with the south property line of land now or formerly of the Brewster Street Corp.; thence southeasterly for a distance of 80 feet, more or less, to a point of intersection with the United States Harbor Line in Black Rock Harbor; thence southwesterly for a distance of 729 feet, more or less, to a point of intersection with the southwest street line of Beacon Street; thence southwesterly along the highwater line of Black Rock Harbor to a point of intersection with the northeast property line of land now or formerly of Carl G. Ljunglaf; thence northeasterly for a distance of 520 feet, more or less, to a point of intersection with the southeast street line of Grovers Avenue; thence northeasterly for a distance of 285 feet, more or less, to a point of intersection with the northeast property line of land now or formerly of Karl and Margaret Wunsch; thence northeasterly for a distance of 155 feet, more or less, to a point of intersection with the southeast property line of land now or formerly of Karl and Margaret Wunsch; thence southwesterly for a distance of 16 feet, more or less, to a point of intersection with the southwest property line of land now or formerly of Wilhelmina C. Nadeau; thence southeasterly for a distance of 235 feet; more or less, to a point of intersection with the southeast property line of land now or formerly of Edward and Margaret Hiller; thence southwesterly for a distance of 57 feet, more or less, to a point of intersection with the northeast property line of land now or formerly of Emily J. Sanford; thence southeasterly for a distance of 130 feet, more or less, to a point of intersection with the northwest street line of Seabright Avenue; thence northeasterly for a distance of 450 feet, more or less, to a point of intersection with the northeast street line of Seaview Terrace; thence northwesterly for a distance of 360 feet, more or less, to a point of intersection with the northwest property line of land now or formerly of Elmer R. Crow; thence northeasterly for a distance of 174 feet, more or less, to a point of intersection with the southeast property line of land now or formerly of Edward and Arthur Renn; thence northwesterly for a distance of 228 feet, more or less, to a point of intersection with the southeast street line of Grovers Avenue; thence northeasterly for a distance of 149 feet, more or less, to a point of intersection with the northeast street line of Brewster Street; thence northwesterly to a point of intersection with the northwest property line of land now or formerly of Mary S. Toth; thence northeasterly for a distance of 100 feet, more or less, to a point of intersection with the southwest property line of land now or formerly of Mary S. Toth; thence northwesterly for a distance of 55 feet, more or less, to a point of intersection with the northwest property line of land now or formerly of Mary S. Toth; thence northeasterly for a distance of 212 feet, more or less to a point of intersection with the northeast property line of land now or formerly of Mary S. Toth; thence southwesterly for a

distance of 15 feet, more or less, to a point of intersection with the north property line of land now of Milton K. Weiss; thence easterly for a distance of 145 feet, more or less, to a point of intersection with the west property line of land now or formerly of Milton K. Weiss; thence northerly for a distance of 222 feet, more or less, to a point of intersection with the south street line of Bartram Avenue; thence easterly for a distance of 716 feet, more or less, to a point of intersection with the east street line of Harbor Avenue; thence northerly for a distance of 30 feet, more or less, to a point of intersection with the north property line of land now or formerly of point of F. Hurlburt; thence easterly for a distance of 391 feet, more or less, to a point of intersection with the United States Harbor Line in Burr Creek.

(Ord. dated 5/6/91 (part): prior code § 24-102 (part))

12.32.030 Barnum-Palliser historic district established.

A historic district is established in the city which shall be referred to as the Barnum-Palliser historic district, the boundaries of which are shown on a map on file in the office of the town clerk, such boundaries being more particularly described as follows:

Beginning at a point of intersection of the east street line of Park Avenue and the north street line of Austin Street; thence easterly for a distance of 91.30 feet, more or less, to a point of intersection with the west property line of land now or formerly of Mildred Brown; thence northerly for a distance of 111 feet, more or less, to a point of intersection with the south property line of land now or formerly of Clive DelPino; thence easterly for a distance of 15.9 feet, more or less, to a point of intersection with the east property line of land now or formerly of Clive DelPino; thence northerly for a distance of 3.35 feet, more or less, to a point of intersection with the north property line of land now or formerly of Mildred Brown; thence easterly for a distance of 129.44 feet, more or less, to a point of intersection with the west property line of land now or formerly of Pauline Boileau; thence northerly for a distance of 33.75 feet, more or less, to a point of intersection with the south property line of land now or formerly of George C. Batchellor & Company; thence easterly for a distance of 257 feet, more or less, to a point of intersection with the west street line of Myrtle Avenue; thence southerly for a distance of 689.32 feet, more or less, to a point of intersection with the north street line of Atlantic Street; thence westerly for a distance of 278.65 feet, more or less, to a point of intersection with the east property line of land now or formerly of Alice M. Doyle; thence northerly for a distance of 66.22 feet, more or less, to a point of intersection with the south property line of land now or formerly of Ernest Ursini; thence easterly for a distance of 25.43 feet, more or less, to a point of intersection with the east property line of land now or formerly of Ernest Ursini; thence northerly for a distance of 100 feet, more or less, to a point of intersection with the south property line of land now or formerly of Charles V. Framularo; thence westerly for a distance of 41.75 feet, more or less, to a point of intersection with the west property line of land now or formerly of Charles V. Framularo; thence northerly for a distance of 143.45 feet, more or less, to a point of intersection with the north street line of Gregory Street; thence westerly for a distance of 22.31 feet, more or less, to a point of intersection with the west property line of land now or formerly of Frances M. Heller; thence northerly for a distance of 99.37 feet, more or less, to a point of intersection with the south property line of land now or formerly of Daisy Clocchiatti; thence westerly for a distance of 118.80 feet, more or less, to a point of intersection with the east street line of Park Avenue, thence

northerly for a distance of 151.43 feet, more or less, to a point of intersection with the north street line of Austin Street.

(Ord. dated 5/6/91 (part): prior code § 24-103)

12.32.040 Marina Park historic district established.

A historic district is established in the city which shall be referred to as the Marina Park historic district, the boundaries of which are shown on a map on file with the office of the town clerk, such boundaries being more particularly described as follows:

Beginning at a point of intersection of the south street line of Atlantic Street and the west street line of Park Avenue; thence easterly for a distance of 231.49 feet, more or less, to a point of intersection with the east property line of land now or formerly of Thomas Gachi; thence southerly for a distance of 72.30 feet, more or less, to a point of intersection with the south property line of land now or formerly of Josephina Ferencz; thence easterly for a distance of 37.90 feet, more or less, to a point of intersection with the east property line of land now or formerly of Julia Stromsky; thence westerly for a distance of 171 feet, more or less, to a point of intersection with the east street line of Park Avenue; thence southerly for a distance of 896.51 feet, more or less, to a point of intersection with the south street line of Linden Avenue; thence easterly for a distance of 120 feet, more or less, to a point of intersection with the east property line of land now or formerly of Mary Sproviero; thence southerly for a distance of 189 feet, more or less, to a point of intersection with the south property line of land now or formerly of Genevieve Ordner; thence westerly for a distance of 190.5 feet, more or less, to a point of intersection with the west street line of Park Avenue; thence northerly for a distance of 51.68 feet, more or less, to a point of intersection with the south property line of land now or formerly of Americo Perrini; thence westerly for a distance of 155.10 feet, more or less, to a point of intersection with the east property line of land now or formerly of the Bridgeport Roman Catholic Diocesan Corporation; thence northerly for a distance of 55 feet, more or less, to a point of intersection with the south property line of land now or formerly of the University of Bridgeport; thence westerly for a distance of 140 feet, more or less, to a point of intersection with the east street line of Marina Park; thence northerly for a distance of 132 feet, more or less, to a point of intersection with the south street line of Linden Avenue; thence easterly for a distance of 247.25 feet, more or less, to a point of intersection with a line extending south from the west property line of land now or formerly of the Boardman-Beardsley Home; thence northerly for a distance of 155 feet, more or less, to a point of intersection with the south property line of land now or formerly of Maybelle Bates; thence westerly for a distance of 18 feet, more or less, to a point of intersection with the west property line of land now or formerly of Maybelle Bates; thence northerly for a distance of 84.49 feet, more or less, to a point of intersection with the north property line of land now or formerly of Maybelle Bates; thence easterly for a distance of 10 feet, more or less, to a point of intersection with the west property line of land now or formerly of Maybelle Bates; thence northerly for a distance of 243.3 feet, more or less, to a point of intersection with the north street line of University Avenue; thence westerly for a distance of 70.2 feet, more or less, to a point of intersection with the west property line of land now or formerly of the University of Bridgeport; thence northerly for a distance of 129.2 feet, more or less, to a point of intersection with the south property line of land now or formerly of the University

of Bridgeport; thence easterly for a distance of 50.67 feet, more or less, to a point of intersection with the west property line of land now or formerly of the University of Bridgeport; thence northerly for a distance of 168 feet, more or less, to a point of intersection with the south property line of land now or formerly of the University of Bridgeport; thence westerly for a distance of 22.15 feet, more or less, to a point of intersection with the east property line of land now or formerly of the University of Bridgeport; thence southerly for a distance of 22 feet, more or less, to a point of intersection with the south property line of land now or formerly of the University of Bridgeport; thence westerly for a distance of 25 feet, more or less, to a point of intersection with the west property line of land now or formerly of the University of Bridgeport; thence southerly for a distance of 15 feet, more or less, to a point of intersection with the south property line of land now or formerly of the University of Bridgeport; thence westerly for a distance of 157 feet, more or less, to a point of intersection with the west property line of land now or formerly of the University of Bridgeport; thence northerly for a distance of 187 feet, more or less, to a point of intersection with the south street line of Atlantic Street, thence easterly for a distance of 436 feet, more or less, to a point of intersection with the place of origin.

(Ord. dated 5/6/91 (part): prior code § 24-104)

12.32.050 Pembroke City historic district established.

A historic district is established in the city which shall be referred to as the Pembroke City historic district, the boundaries of which are shown on a map on file with the office of the town clerk, such boundaries being more particularly described as follows:

Beginning at a point of intersection with the north street line of Arctic Street and the west street line of William Street; thence northerly for a distance of 55.66 feet, more or less, to a point of intersection with the north property line of land now or formerly of Henry L. Stern; thence easterly for a distance of 211.07 feet, more or less, to a point of intersection with the west property line of land now or formerly of Jose & Blanca Guzman; thence northerly for a distance of 81.50 feet, more or less, to a point of intersection with the north property line of land now or formerly of Jose & Blanca Guzman; thence easterly for a distance of 43 feet, more or less, to a point of intersection with the west property line of land now or formerly of Jose Robles; thence northerly for a distance of 47 feet, more or less, to a point of intersection with the north property line of land now or formerly of Jose Robles; thence easterly for a distance of 59.94 feet, more or less, to a point of intersection with the west property line of land now or formerly of Peter & Irma Filippone; thence southerly for a distance of 133.87 feet, more or less, to a point of intersection with the south property line of land now or formerly of Clarence & Mary Lucas; thence easterly for a distance of 170.03 feet, more or less, to a point of intersection with the east street line of Noble Avenue; thence northerly for a distance of 6.01 feet, more or less, to a point of intersection with the south property line of land now or formerly of Russell Palaia, Jr.; thence easterly for a distance of 377.19 feet, more or less, to a point of intersection with the west property line of land now or formerly of Dimitri & Elsa Bagdanow; thence northerly for a distance of 33.63 feet, more or less, to a point of intersection with the south property line of land now or formerly of Inez Cesaro; thence easterly for a distance of 174.17 feet, more or less, to a point of intersection with the east street line of Kossuth

Street; thence northerly for a distance of 19.62 feet, more or less, to a point of intersection with the north property line of land now or formerly of Francisco & Rose Lepore; thence easterly for a distance of 102.41 feet, more or less, to a point of intersection with the west property line of land now or formerly of Francesca Pagliaro; thence northerly for a distance of 9.26 feet, more or less, to a point of intersection with the north property line of land now or formerly of Francesca Pagliaro; thence easterly for a distance of 50.10 feet, more or less, to a point of intersection with the west property line of land now or formerly of M.A. Alfano; thence southerly for a distance of 60.44 feet, more or less, to a point of intersection with the north property line of land now or formerly of Stephen & Anna Kasper; thence easterly for a distance of 50.71 feet, more or less, to a point of intersection with the west street line of Beach Street; thence southerly for a distance of 96.23 feet, more or less, to a point of intersection with the south street line of Arctic Street; thence easterly for a distance of 152.09 feet, more or less, to a point of intersection with the west property line of land now or formerly of Frank & Emma Pulito; thence southerly for a distance of 80.5 feet, more or less, to a point of intersection with the south property line of land now or formerly of Frank & Emma Pulito; thence westerly for a distance of 42.36 feet, more or less, to a point of intersection with the east property line of land now or formerly of John Apelgard; thence southerly for a distance of 21.07 feet, more or less, to a point of intersection with the north property line of land now or formerly of F. Castorina; thence easterly for a distance of 2.96 feet, more or less, to a point of intersection with the east property line of land now or formerly of F. Castorina; thence southerly for a distance of 252.78 feet, more or less, to a point of intersection with the south street line of Maple Street; thence easterly for a distance of 26.91 feet, more or less, to a point of intersection with the east property line of land now or formerly of the Connecticut National Bank; thence southerly for a distance of 267.48 feet, more or less, to a point of intersection with the north property line of land now or formerly of Anthony, Frank & John Riccio; thence westerly for a distance of 30 feet, more or less, to a point of intersection with the east property line of land now or formerly of Anthony Frank & John Riccio; thence southerly for a distance of 249.2 feet, more or less, to a point of intersection with the north property line of land now or formerly of Frank & Alice Petak; thence easterly for a distance of 28.7 feet, more or less, to a point of intersection with the east property line of land now or formerly of Frank & Alice Petak; thence southerly for a distance of 239.47 feet, more or less, to a point of intersection with the north property line of land now or formerly of the White Eagle Society of Brotherly Help, Inc.; thence westerly for a distance of 73.43 feet, more or less, to a point of intersection with the east property line of land now or formerly of Costo & Bridget Buonnano; thence southerly for a distance of 582.5 feet, more or less, to a point of intersection with the north property line of land now or formerly of Bento & Carol Goncalves; thence easterly for a distance of 29 feet, more or less, to a point of intersection with the east property line of land now or formerly of Bento & Carol Goncalves; thence southerly for a distance of 75.14 feet, more or less, to a point of intersection with the north street line of Clarence Street; thence easterly for a distance of 7.66 feet, more or less, to a point of intersection with a line running parallel with the west street line of East Main Street 65 feet distant therefrom; thence southerly for a distance of 119 feet, more or less, to a point of intersection with the north property line of land now or formerly of Nicholas Mainiero; thence westerly for a distance of 35 feet, more or less, to a point of intersection with the east property line of land now or formerly of Dolores Melendez; thence southerly for a distance of 31.3 feet, more or less, to a point of intersection with the south property line of land now or formerly of Dolores Melendez; thence westerly for a distance of 248.75 feet, more or less, to a point of intersection with the east property line of land now or formerly of Gertrude Johansen; thence northerly for a distance

of 36.8 feet, more or less, to a point of intersection with the north property line of land now or formerly of Gertrude Johansen; thence westerly for a distance of 118.55 feet, more or less, to a point of intersection with the east street line of Kossuth Street; thence southerly for a distance of 38.14 feet, more or less, to a point of intersection with a line running parallel with the south street line of Clarence Street and 94.24 feet distant therefrom; thence westerly for a distance of 75.75 feet, more or less, to a point of intersection with the west property line of land now or formerly of Michele Tommaso; thence southerly for a distance of 3.4 feet, more or less, to a point of intersection with the south property line of land now or formerly of Michele Tommaso; thence westerly for a distance of 443.32 feet, more or less, to a point of intersection with the west street line of Noble Avenue; thence northerly for a distance of 61.47 feet, more or less, to a point of intersection with the south street line of Crescent Avenue; thence southwesterly for a distance of 141.47 feet, more or less, to a point of intersection with a line being a continuation of the north street line of that portion of Crescent Avenue lying immediately to the east of William Street; thence westerly for a distance of 320 feet, more or less, to a point of intersection with the west street line of William Street; thence northerly for a distance of 20 feet, more or less, to a point of intersection with the north property line of land now or formerly of William A. Wintter; thence westerly for a distance of 101 feet, more or less, to a point of intersection with the west property line of land now or formerly of William A. Wintter; thence northerly for a distance of 99.8 feet, more or less, to a point of intersection with the north property line of land now or formerly of McCathron Boiler Works, Inc.; thence westerly for a distance of 12.6 feet, more or less, to a point of intersection with the east property line of land now or formerly of McCathron Boiler Works, Inc.; thence northerly for a distance of 319.36 feet, more or less, to a point of intersection with the south property line of land now or formerly of Angelo & Gene Memoli; thence westerly for a distance of 10 feet, more or less, to a point of intersection with the west property line of land now or formerly of Angelo & Gene Memoli; thence northerly for a distance of 121.6 feet, more or less, to a point of intersection with the south street line of East Washington Avenue; thence westerly for a distance of 47.85 feet, more or less, to a point of intersection with a line running parallel with the west street line of William Street and 178.79 feet distant therefrom; thence northerly for a distance of 114.5 feet, more or less, to a point of intersection with the south property line of land now or formerly of McMellon Bros., Inc.; thence easterly for a distance of 18 feet, more or less, to a point of intersection with the east property line of land now or formerly of McMellon Bros., Inc.; thence northerly for a distance of 252.3 feet, more or less, to a point of intersection with the south property line of land now or formerly of Michael & Frances Socha; thence westerly for a distance of 161.87 feet, more or less, to a point of intersection with the east street line of Knowlton Street; thence northerly for a distance of 133.28 feet, more or less, to a point of intersection with the north street line of Barnum Avenue; thence easterly for a distance of 138.48 feet, more or less, to a point of intersection with the east property line of land now or formerly of the Coca-Cola Bottling Company of New York, Inc.; thence northerly for a distance of 99 feet, more or less, to a point of intersection with the north property line of land now or formerly of the Coca-Cola Bottling Company of New York, Inc.; thence easterly for a distance of 104.44 feet, more or less, to a point of intersection with the west property line of land now or formerly of Angelo & Gene Memoli; thence northerly for a distance of 64.45 feet, more or less, to a point of intersection with the south street line of Armstrong Place; thence westerly for a distance of 36.25 feet, more or less, to a point of intersection with a line running parallel with the west street line of William Street 167.9 feet distant therefrom; thence northerly for a distance of 77.05 feet, more or less, to a point of intersection with the north property line of land now or formerly of Anna

Esposito; thence westerly for a distance of 261.37 feet, more or less, to a point of intersection with the east street line of Knowlton Street; thence northerly for a distance of 134.65 feet, more or less, to a point of intersection with the north street line of Maple Street; thence easterly for a distance of 190.91 feet, more or less, to a point of intersection with the west property line of land now or formerly of Antoinette Angiolette; thence northerly for a distance of 110 feet, more or less, to a point of intersection with the south property line of land now or formerly of Ralph Ciocca; thence easterly for a distance of 59 feet, more or less, to a point of intersection with the east property line of land now or formerly of Ralph Ciocca; thence northerly for a distance of 64.34 feet, more or less, to a point of intersection with the south property line of land now or formerly of Ralph Ciocca; thence westerly for a distance of 78 feet, more or less, to a point of intersection with the west property line of land now or formerly of Robert Murphy; thence northerly for a distance of 177.44 feet, more or less, to a point of intersection with the north street line of Arctic Street; thence easterly for a distance of 300.2 feet, more or less, to a point of intersection with the place of commencement.

(Ord. dated 5/6/91 (part): prior code § 24-105)

12.32.060 Stratfield historic district established.

A historic district is hereby established in the city which shall be referred to as the Stratfield historic district, the boundaries of which are shown on the map on file with the office of the city clerk, such boundaries being more particularly described as follows:

Beginning at a point of intersection with the west street line of Clinton Avenue and the south property line of land now or formerly of Vincent Autuori; thence westerly for a distance of 218.78 feet, more or less, to a point of intersection with the west property line of land now or formerly of Vincent Autuori; thence northerly for a distance of 35 feet, more or less, to a point of intersection with the north property line of land now or formerly of Paul & Jessie Kabara; thence westerly for a distance of 100 feet, more or less, to a point of intersection with the east street line of Colorado Avenue; thence northerly for a distance of 45 feet, more or less, to a point of intersection with the south property line of land now or formerly of Bertha Banney; thence easterly for a distance of 110 feet, more or less, to a point of intersection with the west property line of land now or formerly of Rudolph Braun; thence northerly for a distance of 383 feet, more or less, to a point of intersection with the south property line of land now or formerly of Andrew & Loretta Benke; thence westerly for a distance of 112.30 feet, more or less, to a point of intersection with the east street line of Colorado Avenue; thence northerly for a distance of 145 feet, more or less, to a point of intersection with the north property line of land now or formerly of Natalie C. Day; thence easterly for a distance of 109 feet, more or less, to a point of intersection with the east property line of land now or formerly of Natalie C. Day; thence northerly for a distance of 50 feet, more or less, to a point of intersection with the south property line of land now or formerly of Magico & Matian Ferreira; thence easterly for a distance of 40 feet, more or less, to a point of intersection with the west property line of land now or formerly of Henry Weiss; thence northerly for a distance of 68 feet, more or less, to a point of intersection with the north property line of land now or formerly of Henry Weiss; thence easterly for a distance of 39.72 feet, more or less, to a point of intersection with the east property line of land now or formerly of Rose Shiller; thence northerly for a distance of 120.7 feet, more

or less, to a point of intersection with the south street line of Maplewood Avenue; thence westerly for a distance of 35 feet, more or less, to a point of intersection with a point opposite the east property line of land now or formerly of Warren Werner; thence northerly for a distance of 160 feet, more or less, to a point of intersection with the south property line of land now or formerly of the First Magyar Reformed Church, Inc.; thence westerly for a distance of 160 feet, more or less, to a point of intersection with the east street line of Colorado Avenue; thence northerly for a distance of 166.07 feet, more or less, to a point of intersection with the north property line of land now or formerly of the First Magyar Reformed Church, Inc.; thence easterly for a distance of 119.85 feet, more or less, to a point of intersection with the east property line of land now or formerly of John & Catherine Vlahec; thence northerly for a distance of 50.60 feet, more or less, to a point of intersection with the north property line of land now or formerly of the First Magyar Reformed Church, Inc.; thence easterly for a distance of 47.80 feet more or less, to a point of intersection with the west property line of land now or formerly of St. George's Parish; thence northerly for a distance of 123.50 feet, more or less, to a point of intersection with the north street line of Beechwood Avenue; thence westerly for a distance of 237.05 feet, more or less, to a point of intersection with the east street line of Colorado Avenue; thence northerly for a distance of 110.12 feet, more or less, to a point of intersection with the north property line of land now or formerly of David and Brian Kells-Murphy; thence easterly for a distance of 165.23 feet, more or less, to a point of intersection with the east property line of land now or formerly of George A. Zariff; thence northerly for a distance of 27.4 feet, more or less, to a point of intersection with the south property line of land now or formerly of the Foundation of Our Lady of the Holy Cross, Inc.; thence westerly for a distance of 13 feet, more or less, to a point of intersection with the west property line of land now or formerly of the Foundation of Our Lady of the Holy Cross, Inc.; thence northerly for a distance of 113 feet, more or less, to a point of intersection with the south property line of land now or formerly of Dorothy S. Perry; thence easterly for a distance of 25 feet, more or less, to a point of intersection with the west property line of land now or formerly of Joan & Margaret Maner; thence northerly for a distance of 205 feet, more or less, to a point of intersection with the south property line of land now or formerly of the University of Bridgeport; thence westerly for a distance of 43.40 feet, more or less, to a point of intersection with the east property line of land now or formerly of John & Rhea Lyons; thence northerly for a distance of 34 feet, more or less, to a point of intersection with the south property line of land now or formerly of Erich & Florence Tipke; thence westerly for a distance of 48 feet, more or less, to a point of intersection with the west property line of land now or formerly of Erich & Florence Tipke; thence northerly for a distance of 72.7 feet, more or less, to a point of intersection with the south property line of land now or formerly of Stephen & Rose Marie Bourne; thence westerly for a distance of 283.97 feet, more or less, to a point of intersection with the east property line of land now or formerly of John W. Ganim; thence southerly for a distance of 54.50 feet, more or less, to a point of intersection with the south property line of land now or formerly of John W. Ganim; thence westerly for a distance of 66 feet, more or less, to a point of intersection with the east street line of Carleton Avenue; thence northerly for a distance of 302.56 feet, more or less, to a point of intersection with the north street line of North Avenue; thence westerly for a distance of 110.34 feet, more or less, to a point of intersection with the west property line of land now or formerly of the Estate of Kazimiera Olechowski; thence northerly for a distance of 200.11 feet, more or less, to a point of intersection with the south street line of Pierce Place; thence easterly for a distance of 178.75 feet, more or less, to a point of intersection with the east property line of land now or formerly of the Estate of Ann V. Finizie; thence southerly for a distance of 200.42 feet, more or less, to a point of

intersection with the north street line of North Avenue; thence easterly for a distance of 346 feet, more or less, to a point of intersection with the west property line of land now or formerly of the city of Bridgeport; thence northerly for a distance of 228.90 feet more or less, to a point of intersection with the northeast property line of land now or formerly of the Northbrook Apartments, Inc.; thence northwesterly for a distance of 426.32 feet, more or less, to a point of intersection with the east property line of land now or formerly of John & Ann Morena; thence northerly for a distance of 157.07 feet, more or less, to a point of intersection with the east street line of Briarwood Avenue; thence northeasterly for a distance of 506 feet, more or less, to a point of intersection with the south property line of land now or formerly of Gerald & Jean Quincy; thence southeasterly for a distance of 168.79 feet, more or less, to a point of intersection with the west property line of land now or formerly of Thomas & Sarah Davis; thence northerly for a distance of 267 feet, more or less, to a point of intersection with the east street line of Briarwood Avenue; thence northeasterly for a distance of 400 feet, more or less, to a point of intersection with the center channel of the Rooster River; thence easterly along the center channel of the Rooster River to a point of intersection with the west street line of Laurel Avenue; thence easterly for a distance of 190 feet, more or less, to a point of intersection with the east property line of land now or formerly of M. Brenner; thence southerly for a distance of 150 feet, more or less, to a point of intersection with the south street line of Wade Street; thence easterly for a distance of 75 feet, more or less, to a point of intersection with the west street line of Pacific Street; thence southerly for a distance of 148.08 feet, more or less, to a point of intersection with the south property line of land now or formerly of Marie Persico; thence westerly for a distance of 104 feet, more or less, to a point of intersection with the east property line of land now or formerly of Billie Whitlock; thence southerly for a distance of 1082 feet, more or less, to a point of intersection with the north property line of land now or formerly of Alice & Edward Haux; thence easterly for a distance of 311.5 feet, more or less, to a point of intersection with the east property line of land now or formerly of Carl Draper; thence southerly for a distance of 40 feet, more or less, to a point of intersection with the north property line of land now or formerly of Harriet Williams; thence easterly for a distance of 175 feet, more or less, to a point of intersection with the east street line of Wood Avenue; thence northerly for a distance of 5 feet, more or less, to a point of intersection with the north property line of land now or formerly of Rocco Ambrosini; thence easterly for a distance of 50 feet, more or less, to a point of intersection with the east property line of land now or formerly of Rocco Ambrosini; thence southerly for a distance of 210 feet, more or less, to a point of intersection with the south street line of North Avenue; thence easterly for a distance of 127.5 feet, more or less, to a point of intersection with the east property line of land now or formerly of Max & Claire Singer; thence southerly for a distance of 123.9 feet, more or less, to a point of intersection with the south property line of land now or formerly of Max & Claire Singer; thence westerly for a distance of 217 feet, more or less, to a point of intersection with the west street line of Wood Avenue; thence northerly for a distance of 23.12 feet, more or less, to a point of intersection with the south property line of land now or formerly of Alice Kleinman; thence westerly for a distance of 80 feet, more or less, to a point of intersection with the west property line of land now or formerly of Marion Donahue; thence southerly for a distance of 40 feet, more or less, to a point of intersection with the north property line of land now or formerly of Walter & Agnes Shanley; thence westerly for a distance of 75 feet, more or less, to a point of intersection with the west property line of land now or formerly of Alice Kleinman; thence northerly for a distance of 38 feet, more or less, to a point of intersection with the north property line of land now or formerly of Sigmund & Martha Fazekas; thence

westerly for a distance of 295.75 feet, more or less, to a point of intersection with the east property line of land now or formerly of William & Vivian Pratt; thence southerly for a distance of 324 feet, more or less, to a point of intersection with the north street line of Beechwood Avenue; thence westerly for a distance of 285.09 feet, more or less, to a point of intersection with the west property line of land now or formerly of Frank & Anna Kiss; thence southerly for a distance of 475 feet, more or less, to a point of intersection with the north property line of land now or formerly of James & Eleanor Fiorelli; thence easterly for a distance of 121.65 feet, more or less, to a point of intersection with the east street line of Laurel Avenue; thence southerly for a distance of 60 feet, more or less, to a point of intersection with the north street line of Maplewood Avenue; thence westerly for a distance of 101.46 feet more or less to a point of intersection with a point opposite the west property line of land now or formerly of Frank & Rose Porto; thence southerly for a distance of 358 feet, more or less, to a point of intersection with the north property line of land now or formerly of Mary Falkowski; thence easterly for a distance of 100 feet, more or less, to a point of intersection with the west street line of Laurel Avenue; thence southerly for a distance of 753.84 feet, more or less, to a point of intersection with the west street line of Grove Street; thence southwesterly for a distance of 92.5 feet, more or less, to a point of intersection with the southwest property line of land now or formerly of Barbara Goodson; thence northwesterly for a distance of 114.5 feet, more or less, to a point of intersection with the southeast property line of land now or formerly of Michael Valentine, Jr.; thence southwesterly for a distance of 134 feet, more or less, to a point of intersection with the south property line of land now or formerly of Mary Langley thence northwesterly for a distance of 159.5 feet, more or less, to a point of intersection with the west street line of Elmwood Place; thence southwesterly for a distance of 120 feet, more or less, to a point of intersection with a line parallel to the north street line of Fairfield Avenue and measuring 60 feet therefrom; thence northwesterly for a distance of 80.19 feet more or less to a point of intersection with the southeast property line of land now or formerly of the Connecticut National Bank; thence northeasterly for a distance of 139.33 feet, more or less, to a point of intersection with the north property line of land now or formerly of the Connecticut National Bank; thence westerly for a distance of 232.2 feet, more or less, to a point of intersection with the west street line of Clinton Avenue; thence northerly for a distance of 182 feet, more or less, to a point of intersection with the place of origin.

Notice was given pursuant to section 147b (e) of the General Statutes to property owners within the district.

(Ord. dated 2/12/99: Ord. dated 5/6/91 (part): prior code § 24-106)

Chapter 12.36 TRANSIT DISTRICT

Sections:

12.36.010 Transit district established.

12.36.010 Transit district established.

The common council establishes a transit district either by itself or in cooperation with one or more other municipalities under Chapter 103a of the General Statutes.

(Prior code § 24-13)

Chapter 12.40 WHARVES AND VESSELS

Sections:

Article I. Harbor Master

12.40.010 Powers generally.

12.40.020 Regulation of vessels.

12.40.030 Regulation of discharge of cargo.

12.40.040 Regulation of anchoring or moving of vessels.

12.40.050 Cargo reports.

12.40.060 Reports of painting and repairs.

12.40.070 Reports of work in the harbor.

12.40.080 Records.

Article II. Rules and Regulations

12.40.090 Use of municipal wharves restricted.

12.40.100 Waste not to be deposited on municipal wharves.

12.40.110 Damage to municipal wharves.

12.40.120 Speed regulations.

12.40.130 Exemption from or reduction in fees for certain pleasure craft.

Article III. Permits

12.40.140 Required for use of municipal wharves or moorings.

12.40.150 Required for loading or unloading.

12.40.160 Fees.

12.40.170 Harbor fee.

12.40.180 Sources of monies.

Article I. Harbor Master

12.40.010 Powers generally.

The harbor master shall have full power to order and regulate the laying or mooring of any and all vessels at wharves and docks, and when, how and to what distance such vessels shall move or haul off from the same to allow other vessels to pass, or wind, or receive or discharge freight. He shall have as full power to serve all processes properly directed to him, relative to the provisions of this chapter, as city sheriffs now have. He shall have power to arrest, without previous warrant and complaint upon view or speedy information, any person violating any of the provisions of this chapter.

(Prior code § 31-2)

12.40.020 Regulation of vessels.

Whenever in the judgment of the harbor master injury is likely to be done to any wharf, dock or vessel by reason of any wind or storm then existing or impending, he shall have full power to order and cause any vessel lying at such wharf or dock, or near the same, or any other vessel, to haul off and anchor at such reasonable distance therefrom as he may direct.

(Prior code § 31-3)

12.40.030 Regulation of discharge of cargo.

The harbor master shall have full power to settle and determine in what manner and what part of any wharf or dock the whole or any part of a cargo shall be discharged, and in what manner and to what extent any other vessel shall be hauled or moved to admit of or facilitate such discharge.

(Prior code § 31-4)

12.40.040 Regulation of anchoring or moving of vessels.

The harbor master shall have full power to establish proper rules and regulations governing the anchoring, mooring and laying of vessels at wharves, docks and other places in the harbor.

(Prior code § 31-5)

12.40.050 Cargo reports.

Every person operating or using, as owner, lessee or otherwise, any wharf, dock or pier in the harbor of the city shall make a report to the harbor master on forms to be furnished by him of all vessels which shall receive or discharge any passenger or cargo from or upon such wharf, dock or pier, which report shall state the date of arrival and clearance of such vessels, the number of passengers and the amount, kind and approximate value of all cargo received by or discharged from such vessels, and shall be made within forty-eight (48) hours after the arrival or clearance of such vessels.

(Prior code § 31-6)

12.40.060 Reports of painting and repairs.

Every person engaged in the business of painting and repairing boats or vessels shall make report to the harbor master on forms to be furnished by him of the date of the arrival and clearance of such boats or vessels and the approximate cost of the work done thereon, which report shall be made upon the clearance of such vessels from the property of such person.

(Prior code § 31-7)

12.40.070 Reports of work in the harbor.

The master or owner of any vessel arriving in the harbor for the purpose of dredging or the doing of any other work therein shall, before commencing such work, make report to the harbor master on forms to be furnished by him of the nature of the work and the part of the harbor in which such work is to be performed.

(Prior code § 31-8)

12.40.080 Records.

The harbor master shall keep a record of all vessels arriving and clearing from the harbor, the number

that pass through the bridges, the kind and quantity of their cargoes and the value thereof, as near as he can ascertain; and he shall make a report of the same to the common council annually, on or before the fifteenth day of May.

(Prior code § 31-9)

Article II. Rules and Regulations

12.40.090 Use of municipal wharves restricted.

No person or any vessel, or the owner, agent or operator of any vessel, shall use, or cause or permit to be used, any municipal wharf or wharf premises for any purpose without first securing an assignment or other permission to do so from the harbor master. No person shall make fast any rope or mooring to be made fast, to any pile supporting the superstructure of any municipal wharf, or to any dolphin or fender piles thereon, or to any other part of any such wharf except to the mooring piles or mooring bitts provided for this purpose. No vessel or any person in charge of any vessel shall use, or cause or permit to be used, any dolphin on any municipal wharf to break or warp around or to turn around or swing any vessel around with either the stem or stern of such vessel against the wharf. Before the departure of any vessel from any municipal wharf, it shall be the responsibility of the operator of such vessel to see that all wharf chains and guardrails are placed back in proper position.

(Prior code § 31-10)

12.40.100 Waste not to be deposited on municipal wharves.

No person and no owner or operator of any vessel shall leave any discarded boxes, crates, barrels, bags, rubbish or waste material upon any municipal wharf.

(Prior code § 31-11)

12.40.110 Damage to municipal wharves.

Every person and every vessel responsible for any damage to any municipal property of any kind or character on any municipal wharf or wharf premises shall be liable for and charged with the cost and expense of the replacement or repair of the property so damaged. In the event that any damage is done to any wharf, wharf premises, facility or other property owned by the city, the persons causing, responsible for or in any way connected with such damage and the person to whom the wharf, wharf premises, facility or other property may be assigned, or by whom it is being used, and the master, owner, operator or agent of any vessel, vehicle or other instrumentality involved in such damage, shall promptly give a full report thereof to the harbor master, giving the date and hour that the damage occurred, the names and addresses, or, if unknown, a description of the persons, vessels or instrumentalities involved in such

damage, as well as all pertinent facts and information that may be available. It is unlawful for any person to refuse, neglect or fail to make or give any such report in the form and manner aforesaid. In addition to any other penalty, any person who refuses, neglects or fails to make such report may be refused the use of any municipal wharf or other facility until the city has been fully reimbursed for any damage.

(Prior code § 31-12)

12.40.120 Speed regulations.

A. All vessels shall be required to move through the drawbridges of the city at a reasonable rate of speed, and not less than three miles per hour, so as not to keep open the draws longer than necessary. In the case of other than steam or sailing vessels moving or hauling through the drawbridges without help sufficient to move at a speed of three miles per hour, the harbor master shall have full power to furnish necessary help at the expense of the owner or master of such vessel.

B. No vessel, wholly or partly propelled by power, shall move at a speed greater than twelve (12) miles per hour, this speed limit to be in effect from the Breakwater entrance to Bridgeport Harbor to a line running in a southeasterly direction from the lighthouse at Tongue Point to the northeast corner of the Pleasure Beach Fishing Pier. The speed limit from this point to the inner harbor including Johnson's Creek, Yellow Mill River and the Pequonnock River will be five miles per hour and this area will also be designated a "no wake zone." The speed limit in Black Rock Harbor will be five miles per hour and a "no wake zone" from the entrance to Black Rock Harbor at navigational aid Fl Grn 19 to its terminus at the head of the Cedar Creek Channel and including Burr Creek.

(Ord. dated 6/6/94; prior code § 31-13)

12.40.130 Exemption from or reduction in fees for certain pleasure craft.

The harbor master, with the written approval of the mayor, may, in his discretion, permit the mooring of excursion boats at the Pleasure Beach wharf without payment of the fee provided in Section 12.40.160. If any excursion boat shall make a mooring at the Pleasure Beach wharf and shall thereafter, in the same day and as a part of the same excursion voyage, make fast to any other municipal wharf, only a single mooring charge shall be made to such vessel.

(Prior code § 31-28)

Article III. Permits

12.40.140 Required for use of municipal wharves or moorings.

A. No person shall make any vessel fast, or cause or permit any vessel to be made fast, to any municipal

wharf or mooring or cause or permit any vessel to occupy an outside berth at a municipal wharf without a permit obtained from the city's harbor master or his designee and the payment of the fees provided in Section 12.40.160.

B. An outside berth will be deemed to be occupied by any vessel which is moored to another vessel which is made fast to a municipal wharf. No vessel made fast to a municipal wharf is permitted to have more than one other vessel moored to it.

(Ord. dated 8/6/90 (part): prior code § 31-25)

12.40.150 Required for loading or unloading.

No merchandise shall be loaded or unloaded to or from any municipal wharf or to or from any vehicle thereon without a permit therefor from the city's harbor master or his designee. In the protection of municipal wharves and wharf premises, the harbor master or his designee shall deny the use thereof to any vehicle which in his judgment is of such weight, either loaded or unloaded, as to damage or endanger such wharf or wharf premises.

(Ord. dated 8/6/90 (part): prior code § 31-26)

12.40.160 Fees.

A. The following fees per day or portion thereof are established as municipal docking fees for the various classes of vessels listed in this subsection. All fees are calculated at per foot per day:

Fishing vessels \$1.00

Tugboats or towboats 1.50

Motorboats, launches and yachts 1.00

Passenger excursion vessels 1.00

All other vessels 1.00

Floating structures, dredgers, hoists, pile drivers, lighters, barges and scows 1.50

B. The fees set forth in subsection A of this section shall apply to vessels which are made fast to any municipal wharf or which occupy an outside berth.

C. No mooring shall be place without a permit from the harbor master or his designee. A fee of one

hundred dollars (\$100.00) per annum is established for the use of any permanent mooring at a municipal mooring field designated by the harbor master or his designee. A fee of twenty-five dollars (\$25.00) per overnight period has been established for the use of any municipal mooring at a municipal mooring field as designated by the harbor master or his designee.

D. The period of time for which fees established by subsections A and C of this section are assessed against any vessel shall commence when the vessel is moored and shall continue until such vessel is freed from and has vacated its mooring. Check-in and check-out times for overnight moorings shall be as established from time to time by the harbor master or his designee with the approval of the harbor commission.

E. The harbor master or his designee is expressly authorized to establish, revoke or amend, from time to time, regulations pertaining to mooring permits upon approval of the harbor commission.

(Ord. dated 8/6/90 (part): prior code § 31-27)

12.40.170 Harbor fee.

The city shall levy and the harbor master shall collect from all ships and barges in foreign, domestic coastwise or domestic intercoastal trade entering into and using the Port of Bridgeport, including Black Rock Harbor, such fees and harbor or port charges to pay the harbor master for the services required of the harbor master and defray the necessary expenses attendant upon the execution of the duties devolved upon it in relation to the regulations for the safety and convenience of the vessels entering said port and waters, or any of them.

(Ord. dated 1/20/04 (part))

12.40.180 Sources of monies.

Fee Per Vessel	
Ships	\$100.00
Barges	30.00

The harbor fee applies to all ships and barges arriving in Bridgeport Harbor and Black Rock Harbor and based on individual round trips. The harbor fee will be assessed for each reentry into the port. This fee does not apply to the Bridgeport and Port Jefferson Steamboat Company or pleasure boat vessels or vessels that pay a mooring fee to either the city of Bridgeport or the Bridgeport port authority. All monies collected from the harbor fee shall be deposited in the harbor management fund.

(Ord. dated 1/20/04 (part))

Chapter 12.50

PUBLIC PAY TELEPHONES

Sections:

12.50.010 Definitions.

12.50.020 Permit required.

12.50.030 Contract required.

12.50.040 Powers of director.

12.50.050 Term; termination.

12.50.060 Advertising.

12.50.070 Violations Penalties and other enforcement.

12.50.080 Transfers.

12.50.090 Siting and clearance requirements.

12.50.100 Effective date.

12.50.110 Rehabilitation.

12.50.120 Appeal.

12.50.010 Definitions.

Whenever used in this chapter:

A. "Chief" means the chief of police of the city or his/her designee, a law enforcement officer within the Bridgeport police department.

B. "City" means the city of Bridgeport.

C. "Director" means the director of public facilities or his/her designee as acknowledged by a written authorization executed by the director of public facilities.

D. "Department" means the department of public facilities.

E. "Excavation permit" means an authorization by the department to an owner, or their representative, who complies with the city's excavation permit and license requirements as set forth in Chapter 12.12 of this code, and has entered into a contract to provide public pay telephone service to the city, to excavate at a location on, over or under a street or other inalienable property of the city for the purpose of the future installation of a public pay telephone.

F. "Limitation of pay telephone service" means service limited to a period of less than twenty (20) hours, as determined on a case by case by the chief of police, as authorized in an operations and maintenance permit issued by the director which sets forth the limitations of such service.

G. "Owner" means a natural person or business entity which owns, leases, and is otherwise responsible for the installation, operation and maintenance of a public pay telephone as authorized by the State of Connecticut Department of Public Utility Control.

H. "Operation and maintenance permit" means the issuance of a permit to install, operate and maintain a public pay telephone at a location on, over or under a street or other inalienable property of the city once it has been installed by the owner, and inspected and approved by the city.

I. "Provider in good standing" means an owner who has paid all prior fees and taxes that are due and owing to the city unless the tax collector acknowledges a dispute as to the amount of taxes that are due. The disqualification provisions of Section 3.08.160 C of this code are not applicable to an owner as defined herein, who will provide public pay telephone service on, over or under a street as defined herein.

J. "Public nuisance" means the use of a public pay telephone located on, over or under a street as defined herein or other alienable property of the city, on a regular basis which the chief has reasonable cause to believe is or will be, due to documented prior history, a threat to public health, safety and welfare and/or is in furtherance of unlawful activity.

K. "Public pay telephone" means a telephone and associated equipment, from which calls can be paid for at the time they are made by a coin, credit card, prepaid debit card or in any other manner which is available for use by the public and provides access to the switched telephone network for the purpose of voice or data communications in accordance with the schedule of rates approved or accepted by the State Department of Public Utility Control. The term "public pay telephone" shall include any pedestal or telephone bank supporting one or more such telephones, associated encloses, signage and other associated equipment.

L. "Street" means a street or sidewalk within the street lines dedicated to public travel, which includes the right of way as defined by the General Statutes of Connecticut.

(Ord. dated 2/3/03; Ord. dated 6/5/00; Ord. dated 8/3/98)

12.50.020 Permit required.

In addition to excavation permits, which are required prior to the installation of a public pay telephone on any street as set forth in Chapter 12.12 of this code, no public pay telephone shall be operated or maintained on, over or under any street or other alienable property of the city without the issuance of an operation and maintenance permit. Operation and maintenance permits shall be issued by the director, following the completion of the RFP selection process or the granting of an application for such a permit, to a provider in good standing who has a current contract with the city as set forth in the utility service procurement policy, and the completion of all inspections of the location by the city. The operation and maintenance permit shall be effective as of the date the permit is issued by the director and shall not exceed a five year time period from the permit's effective date.

(Ord. dated 2/3/03; Ord. dated 6/5/00; Ord. dated 8/3/98)

12.50.030 Contract required.

A. General. The city may enter into contracts with as many pay telephone providers in good standing, who have been certified by the department of public utility control ("DPUC") to provide service, and who have qualified to provide service based on responses to the issuance of a request for qualified services, in accordance with the city's utility service procurement policy as adopted by the city council. The contracts shall require a minimum compensation to the city of a public pay telephone located on, over or under any street or alienable property of the city in accordance with the utility service procurement policy set forth below. The contracts may be assigned, in whole or in part, from one provider in good standing to another, with the approval of the city council and the issuance of a new contract to the assignee for the balance of the term of the original provider in good standing. The term of a contract shall not exceed five years. The contracts shall require that the public pay telephone providers only install public pay telephones located on or over the public right of way that are programmed to prohibit in-coming calls, and whose placards contain, at a minimum, a telephone number to contact the DPUC regarding complaints and the identification of the owner of the public pay telephone.

B. Utility Service Procurement Policy.

The provision of gas supply, electric supply, or telecommunications services including but not limited to local, regional, long distance, internet data, internet voice, public pay telephone service, or any competitive utility service ("utility service") on city property by a licensed entity (a "provider") may be determined by following the city's general procurement policies, the state bid award, or by selecting a provider or providers following the issuance of a request for qualified proposals ("RFP") to qualified entities. However, the provision of public pay telephone service on, over or under any street shall be determined only by following the issuance of an RFP and shall be subject to the selection process set forth herein. The selection of providers shall not be made solely on the basis of price, but also on the

basis of reliability and verification that the selected entities are providers in good standing. The terms and conditions for providing service to the city, including the locations approved by the city, in accordance with all public nuisance, distance, siting and clearance requirements set forth in this ordinance, for the siting of public pay telephones on any street and the fee for each location, shall be set forth in the RFP.

The final selection of a provider in good standing to provide service through the RFP process following the receipt of qualified proposals shall be made by the city council. The director of purchasing or his/her designee, following approval of a standard contract by the office of the city attorney, shall execute new contracts, or the renewal of existing contracts, for the provision of utility service on behalf of the city.

An RFP for the provision of public pay telephone service on a street shall be issued every five years. Nothing in this subsection shall prevent a member of the city council from obtaining permission from the council for the issuance of a special RFP, in accordance with the selection process set forth herein, prior to the close of the five year time frame for the limited purpose of obtaining public pay telephone service at a new street location not previously addressed in the last RFP process that is within the member's district. The fee shall be set forth in the RFP and shall be equal to the fee in the most recent RFP for a location on any street issued by the city. The term for a permit issued in response to such an application shall not exceed the time period that remains before a new RFP for public pay telephone service on any street will be issued by the city.

A provider in good standing may by application request approval of a new street location that was not included in the most recent RFP process that meets all public nuisance, distance, siting and clearing requirements as set forth in this chapter, from the director. The director, after following the requirements set forth in Section 12.50.040 herein, shall grant such an application, provided the application is not filed within twelve (12) months of the date of the most recent RFP, or the city's date for the issuance of a new RFP will not occur for at least twelve (12) months. The term for a permit issued in response to such an application shall not exceed the time period that remains before the city will issue a new RFP for public pay telephone service on any street. The fee for the issuance or renewal of said permits under any application process set forth above, shall be equal to the fee set forth in the most recent RFP for a location on any street issued by the city.

A request for the issuance or renewal by an owner of a permit to operate and maintain a public pay telephone that will be installed over, but not on, any street shall not be subject to the RFP process. This request shall be granted by the director to any provider in good standing who has a contract with the city, following the submission of an application by the owner and verification that the location meets all distance, siting and clearance requirements set forth in Section 12.50.090, for a period of time that is equal to, or less than, the term set forth in Section 12.50.050, below. Existing permits issued under this application process by the director may be renewed by any provider in good standing who has a contract with the city, in response to an application from the owner of the permit, for a period of time that is equal to, or less than, the term set forth in Section 12.50.020, above. The fee for the issuance or renewal of said permits under any application process set forth above, shall be equal to thirty (30) percent of the fee set forth in the most recent RFP for a location on any street issued by the city.

(Ord. dated 2/3/03; Ord. dated 6/5/00; Ord. dated 8/3/98)

12.50.040 Powers of director.

The director shall issue and renew operation and maintenance permits under this chapter in accordance with the utility service procurement policy in Section 12.50.030 B, above, provided that no permit shall be issued or renewed for the installation, operation or maintenance of a public pay telephone at any location where it will unreasonably interfere with the use of a street by the public, or where it is a public nuisance as determined by the chief in accordance with the applicable subsections of this chapter. Proposed locations for the installation of public pay telephones in accordance with the utility service procurement policy shall be made based on the following requirements as set forth below:

A. Prior to the issuance of a request for qualified proposals, the director must first give notice of the intention of the city to permit the location of a public pay telephone at a new location, in writing to all owners of property that is located within one hundred seventy-five (175) feet on both sides of the street, of the proposed public pay telephone location, as pre-inspected by the director or his designee and approved for compliance with the siting requirements set forth in this chapter.

B. The director shall forward a copy of the documentation that subsection A has been complied with and a copy of any request to site a pay telephone to the office of the city attorney within five days of receipt of said documents. No later than five days after receipt of the documentation from the director, the office of the city attorney shall request that the city clerk issue a "notice of intent to site a pay telephone" in area newspapers, with a copy of said notice forwarded to the members of the city council, with such notice providing any person that would be aggrieved by the issuance of the permit the opportunity to file written comments with the office of the city attorney. Any written comments received by that office, as well as any complaints that concern a location that is included in the RFP process or an application to grant or renew an operation and maintenance permit, that have been submitted to the police department, shall be forwarded to the director for consideration as to whether or not the siting of the public pay telephone should occur.

C. The location of the public pay telephone must be approved by the police chief as to whether the proposed location is a public nuisance.

D. A preliminary location site plan is approved by the engineering department.

E. No permit shall be issued until the owner submits a final specific site plan to the director for his review and approval; and

F. A permit may be conditioned upon the limitation of the type of public pay telephone service.

(Ord. dated 2/3/03; Ord. dated 6/5/00; Ord. dated 8/3/98)

12.50.050 Term; termination.

A. An operation and maintenance permit for a public pay telephone shall continue in effect for the term set forth in the code of the city, unless:

1. As a result of changed conditions, the public pay telephone unreasonably interferes or will unreasonably interfere with the use of a street or the use of property abutting the public pay telephone location by the public, or it constitutes a public nuisance;
2. Removal of the pay telephone is required in connection with a street widening or other capital project in which event the permit shall, upon notice, immediately lapse without compensation;
3. The owner is in breach of any of the terms of the contract with the city;
4. The owner fails to notify the city of a change of address, or current telephone number where they may be contacted, or the name of the contact person.

B. The owner shall restore the sidewalk when the public pay telephone is removed. In the event the owner fails to remove the public pay telephone within the time period specified, the director may remove or cause the removal of the public pay telephone and have repair and restoration work performed at the expense of the owner.

C. The chief may find that a public pay telephone constitutes a public nuisance. The chief shall give written notification to the director who shall order its removal. The director shall give the public pay telephone provider a minimum of seventy-two (72) hours notice by mail of the city's intent to remove the public pay telephone and bill the provider for the cost of removal and restoration of the sidewalk in accordance with city standards, unless the provider has removed the public pay telephone and restored the sidewalk within that time frame at the provider's cost. Notice shall be deemed complete upon mailing.

D. The chief at his/her discretion, at any time, has the option to order the type of telephone services limited instead of ordering the removal of the telephone. In that instance, the chief shall notify the director to amend the operation and maintenance permit accordingly. The director shall immediately notify the owner, and shall issue an amended operation and maintenance permit for the relevant pay telephone within seventy-two (72) hours. The owner shall provide written verification to the director that the service has been limited in accordance with the amended permit, and that a notice, in addition to the placard, has been posted on said pay telephone, within seventy-two (72) hours of receipt of the amended permit.

(Ord. dated 2/3/03; Ord. dated 6/5/00; Ord. dated 8/3/98)

12.50.060 Advertising.

A permit issued under this chapter shall not constitute an authorization to place advertising upon a public pay telephone.

(Ord. dated 2/3/03; Ord. dated 6/5/00; Ord. dated 8/3/98)

12.50.070 Violations Penalties and other enforcement.

A. Any owner who installs, operates or maintains a public pay telephone on, over or under any street or other inalienable property of the city without a permit therefore shall pay a fine of one hundred dollars (\$100.00) per day per pay telephone. Any violation of any part of this chapter shall be considered a separate offense for which the city shall impose a fine of one hundred dollars (\$100.00) per violation, per day per pay telephone.

B. The director may also order the removal of a public pay telephone which is in violation of this chapter. If the owner fails to remove the public pay telephone within fifteen (15) days after the order, the director may do so. The director shall store the public pay telephone and, if the owner does not recover the public pay telephone within thirty (30) days, the director may dispose of it in a reasonably commercial manner. The owner shall be responsible for direct costs, storage costs and remediation costs.

C. The owner shall keep the public pay telephone free of graffiti and keep the public pay phone and the area of a five feet radius around the public pay telephone free of trash and of snow and ice. A pay telephone provider that has an operation and maintenance permit from the city shall have five days from the date it receives a "notice of violation" for failure to maintain the public pay telephone in accordance with this paragraph to cure the violation before monetary penalties are imposed in accordance with paragraph 12.50.070 A., above.

(Ord. dated 2/3/03; Ord. dated 6/5/00; Ord. dated 8/3/98)

12.50.080 Transfers.

No permit issued under this chapter shall be transferred but an existing permit issued to a provider in good standing may be voided and reissued to another provider in good standing in conjunction with the assignment of an existing contract and/or the issuance of a new contract to an assignee, as approved by the city council. The fee for the issuance of a permit in this instance shall be equal to the fee set forth in the most recent RFP for a location on any street issued by the city.

(Ord. dated 2/3/03; Ord. dated 6/5/00; Ord. dated 8/3/98)

12.50.090 Siting and clearance requirements.

A. Pedestrian passage. Sidewalk clearance must be maintained so as to insure a free unobstructed pedestrian passage of a minimum of five feet or one-half the width of the sidewalk, whichever is greater;

B. Crosswalks and sight lines. A public pay telephone installations shall not obstruct nor interfere in any manner with curb cuts or crosswalks and shall not be installed outside the boundaries of the sight triangle at intersections so as not to interfere with free unobstructed passage and unobstructed lines of sight for vehicular traffic and traffic signs;

C. Fire escapes and building code. A public pay telephone may not be located where it will interfere with the normal operations of a fire escape nor where it will obstruct or impede free means of egress required by the building code, and it must be located a minimum of five feet in every direction from the entrances and exits of a building; and

D. Underground vaults and sewers. A public pay telephone shall not be installed in such a manner so as to affect the structural integrity of an underground vault or sewer.

E. Distances required. In addition to any distances listed above, a public pay telephone shall not be installed within:

1. Five feet of a traffic sign and the sight line to the sign shall not be obstructed;
2. Five feet of a traffic light and related apparatus;
3. Five feet of the end of a ramp of an entrance to or an exit from a wheelchair lift;
4. Fifteen (15) feet radius of a fire hydrant and within five feet of a standpipe and/or sprinkler, siamese or wall hydrant;
5. Three feet from a manhole on the curblineline;
6. Fifteen (15) feet of a bus stop zone unless the public pay telephone is attached to a bus stop shelter within the zone or is installed at the building line and does not obstruct pedestrian passage on the sidewalk;
7. Ten feet of a driveway unless the public pay telephone is attached to or immediately adjacent to a building immediately adjacent to such driveway;
8. Located in such a manner that a cellar door cannot be opened to the fullest extent;
9. Four feet of a mailbox located at the curblineline;

10. Five feet of a street light;
11. Five feet of a sign pole;
12. Three feet of edge of tree pit or planter located at the curblineline;
13. Phones located on the public right of way must either be secured to a building or located two feet from the curb line; and
14. Applicable provisions of the American Disabilities Act.

F. Required distance from other public pay telephones. A pedestal or other structure that holds a public pay telephone shall be located at least one hundred and fifty (150) feet from any other such pedestal or structure on any one block and adjacent corner quadrant. The one hundred fifty (150) feet is a minimum distance.

G. Distinctive sidewalks. A public pay telephone may not be installed on, or result in the destruction, damage or removal of any part of, a distinctive sidewalk without a special permit from the director. For purposes of this subdivision, "distinctive sidewalk" shall include but not be limited to a pavement of granite, slate, bluestone or brick.

(Ord. dated 2/3/03; Ord. dated 6/5/00; Ord. dated 8/3/98)

12.50.100 Effective date.

The public pay telephone chapter shall be applicable to public pay telephones installed prior to, as well as subsequent to, the date of the adoption of this chapter.

(Ord. dated 2/3/03; Ord. dated 6/5/00; Ord. dated 8/3/98)

12.50.110 Rehabilitation.

If the chief or director deem a site to be a public nuisance or that the use of a public pay telephone at a location unreasonably interferes or will unreasonably interfere with the use of a street or sidewalk or other public right of way, and a public pay telephone is removed from said location or an application for a permit at that location has been denied after the effective date of this section, a provider in good standing who has entered into a contract with the city may request a reconsideration of this removal or denial, and a determination as to whether or not the site has been or can be rehabilitated to eliminate such public nuisance or interference by filing a written request with the office of the city attorney, and the director shall provide notice of the request to area property owners in accordance with the requirements set forth in Section 12.50.040 A. Nothing in this subsection shall be construed from preventing the city after the effective date of the enactment of this section from requesting a

determination of the rehabilitation of a site. Within thirty (30) days after receipt of this request, the chief or director shall reinvestigate the site location and issue a written report. If the chief or director determines after such re-investigation that the site location has been rehabilitated and that a public pay telephone may be returned to, or sited at, such location, the public pay telephone provider in good standing shall file a new permit application and fee with the director for locations that are the subject of the application process, or the location shall be included in the next RFP issued by the city, in accordance with the application sections of this chapter. The chief or director shall provide a copy of the written report to the telephone provider who requested a reconsideration, and to property owners who is required to receive notice pursuant to Section 12.50.040 A by issuing a notice of determination.

(Ord. dated 2/3/03; Ord. dated 6/5/00; Ord. dated 8/3/98)

12.50.120 Appeal.

Any property owner who is required to receive notice pursuant to Section 12.50.040 A, above, a provider in good standing with a current contract with the city, or other person aggrieved by the imposition of any fine or penalty, or any determination of the chief or director made after the effective date of this section, to grant or deny a permit to site a public pay telephone, or grant or deny a request to transfer or renew a permit to or for a pay telephone provider who has a current contract with the city, or to remove or not to remove a public pay telephone due to public nuisance or due to a violation of any applicable provision of this chapter, may request a review by the committee on public safety and transportation of the city council if a written request for such an appeal is filed with the office of the city attorney within thirty (30) days of the issuance of a notice of denial, fine, penalty, removal or failure to issue a notice of removal, or determination as to the rehabilitation of a location as to public nuisance. Any party whose interest may be affected by this review may request a public hearing. The city attorney's office shall forward the same to the city clerk for referral by the city council to the committee on public safety and transportation, with notice of receipt of the request to property owners as required by this chapter in the procedures set forth in Section 12.50.040 A and B, to the pay telephone provider and/or the aggrieved person. Following a public hearing, and review of this matter, a recommendation from the committee on public safety and transportation shall be issued and referred to the city council for approval in accordance with the charter of the city.

(Ord. dated 2/3/03; Ord. dated 6/5/00; Ord. dated 8/3/98)

Chapter 12.60 STREETLIGHT INSTALLATIONS

City council members may request the installation of streetlights in their respective district in the form of a council resolution to be referred to the committee on public safety and transportation for recommendation.

The council resolution submittal solution shall include the following information which will be compiled

by the director of public facilities or his or designee, or city council staff with a copy to the director of public facilities or his or her designee for review, before submission to the city clerk:

1. A letter from the petitioner explaining the reason for the request.
2. A letter from United illuminating indicating whether the service requested can be provided; a recommendation as to which type of streetlight should be installed if the request is approved by the city council; and the costs to the city associated with providing and maintaining this service. If not responded to within twenty-one (21) days from receipt, the office of the city attorney shall file a formal complaint with the department of public utility control.
3. A letter from the utilities manager as to whether funding is currently available to pay for the cost of the proposed service and shall be responded to within twenty-one (21) days from the date of notification of the request by the council person.
4. A letter from an engineer in the office of the city engineer as to whether or not the proposed installation location for a streetlight is an area with a high incident of accidents based on the nighttime versus daytime ratio, and shall be responded to within twenty-one (21) days from the date of notification of the request by the council person.
5. A letter from the tree warden indicating whether tree trimming is authorized and a reevaluation by the engineering department as to whether the illumination of streetlights already located within two hundred (200) feet of the proposed installation has increased as a result of said trimming, and shall be responded to within twenty-one (21) days from the date of notification of the request by the council person.

The committee shall make a recommendation based on the following criteria:

1. The primary function of street lighting is to provide safe travel conditions for vehicular traffic. Attention is given to illuminating intersections, crosswalks, dangerous curves, traffic signs, cul-de-sacs and areas with a high incident of accidents based on the nighttime versus daytime ratio, when determining appropriate locations for streetlights.
2. Streetlights are not meant to be a substitute for floodlights or privately maintained security lighting for parked cars, or adjoining buildings, or pedestrian travel on the sidewalks. Streetlights may provide property owners with a small measure of added security lighting but this is not its function or purpose.
3. Installation of streetlights shall not be closer than every other utility pole assuming a standard distance of not less than one hundred and fifty (150) feet.
4. Approval of a streetlight installation request shall not be approved for the current fiscal year if there is insufficient funding to pay for the proposed service. Therefore, the approved streetlight installation request must coincide with the approval by the city council of budgeted monies associated for this

request. If monies are not available in the current fiscal year when the resolution is adopted, the costs shall be reviewed by the budget committee for inclusion in the budget for the following fiscal year. The city clerk shall forward a copy of the approval of the request, and approval of the budgeted costs, to the city's utilities manager who shall forward the request to United Illuminating for said service to commence.

(Ord. dated 12/15/08)